Arts, Humanities, and Museums Amendments: Reports with Minority Views (1990): Report 07

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the disagreeing votes between the two Houses on the bill S. 2104 be instructed to report back a bill which includes language making it clear that businesses/women would not have to hire special artificial hearing and promotion quotas to comply with civil rights laws; language reducing the need for further burdening the judicial system as well as language which lessens the prospect for huge damage awards.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WASHINGTON, Mr. Speaker, on that I demand the yeas and nays.

The vote was taken by electronic device and there appeared to be—yeas 375, nays 45, not voting 13, as follows:

[Roll No. 445]

YEAS—375

Mr. Speaker, by that number of votes a majority of the Members present, and a majority of all the Members elected, have agreed to recommit the bill to the Committee on Banking and Currency with the direction of the Committee on Rules, I demand for a division of the question of the adoption of the amendment, and a division of the question of the taking of the concurrent resolution, the bill with amendments and the concurrent resolution, the concurrent resolution as agreed to by the Senate, with the amendments as ordered on the bill and the amendments thereto.

A motion to reconsider was laid on the table.

**GENERAL LEAVE**

Mr. HAWKINS, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and issue their extraneous materials, and file their conference report on the Senate bill, S. 2104 just considered.

The SPEAKER pro tempore (Mr. MURPHY). Is there anything of which the gentleman from California?

There was no objection.

**1350**

ARTS, HUMANITIES, AND MUSEUMS AMENDMENTS OF 1990

Mr. BEILNENSON, Mr. Speaker, by direction of the Committee on Rules, I understand House rules do not allow me to ask for its immediate consideration.

The Clerk reads the resolution, as follows:

H. Res. 494

Resolved. That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, direct the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4825) to amend the National Foundation on the Arts and Humanities Act of 1965, and for other purposes, and the first reading of the H. Res. 494 shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed one hour, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on Education and Labor, the bill shall be ordered to the House or to the conference committee with the amendments and after a panel of questions from the House or in the Committee of the Whole, with amendments as ordered on the bill and the amendments thereto.

An amendment offered by Representative Varas of California was agreed to. The amendments offered by Representative Bilirakis of Florida, and said amendments in the bill shall be subject to a demand for a division of the question in the House or in the Committee of the Whole. It shall be in order to consider the amendments offered by Representative Rohrabacher of California in the report, and said amendments in the bill shall not be subject to a division of the question in the House or in the Committee of the Whole. A motion to reconsider was laid on the table.
to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BEILENSON) is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, I yield the customary 30 minutes for purposes of debate only to the gentleman from California (Mr. PASHAYAN), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 494 is the rule providing for consideration of H.R. 4825, the Arts, Humanities, and Museums Amendments of 1990. This is a modified closed rule, providing for 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Education and Labor.

The rule makes in order only the five amendments printed in the report accompanying this rule, each of which shall be offered in a specified order and for a specified period of time. Those amendments, in order, are:

1. By Representative Crane, en bloc amendments to abolish the National Endowment for the Arts; debatable for 30 minutes;

2. By Representative ROHRABACHER, en bloc amendments to prohibit NEA funding for a number of specific activities or projects and to restructure a number of NEA procedures, including the procedures for granting awards; debatable for 30 minutes;

3. By Representative WILLIAMS of Missouri or Representative COLEMAN of Missouri, a compromise substitute to the bill that would prohibit NEA funding of obscene works and make changes in the NEA grant process; debatable for 1 hour;

4. By Representative GRANDY, to require an NEA grant recipient whose work is seized to repay the award before being eligible to receive NEA funds again; applicable to the NEA; debatable for 20 minutes; and

5. By Representative TRAFICANT, to express the sense of Congress that NEA grantees should purchase American-made equipment and products in creating federally supported works; debatable for 10 minutes.

The Cran and Rohrabacher amendments, and the Williams-Coleman substitute, are made in order to the original bill. The Grandy and Traficant amendments are made in order to the Williams-Coleman substitute or to the original bill as the case may be.

The rule waives all points of order against the bill, and against all amendments made in order under this rule.

By Representative TRAFICANT, to move one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 4825, the bill for which this Committee has recommended this rule, would authorize the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services for fiscal years 1991 through 1995. The bill as reported does not include any content restrictions for NEA grants.

The rule before us, however, will allow the House to decide whether or not to include any such restrictions since, if such limits are to be included, they should be. Although the rule does limit the amendments that may be offered, it is designed to give the House the opportunity to fully debate this highly controversial topic and to consider a full range of options for changing Federal policy on funding the arts.

Mr. Speaker, I urge the adoption of House Resolution 474, so that the House can proceed to consideration of H.R. 4825.

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 494 is a modified rule under which the House shall consider legislation to resolve a tempestuous controversy over federally funded art.

The rule before us provides for the consideration of the bill, H.R. 4825, a straight 5-year reauthorization of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services.

These 3 Federal agencies provide financial resources for over 300 Government programs that support the arts, the humanities, and museums. For nearly 2 years now, the work of one of these three small agencies, the NEA, has engendered a rancorous debate over art and obscenity.

Mr. Speaker, the rule before us provides for an orderly and fair amendment process, and gives the House the best opportunity to bring some common sense to what has become a chaotic situation.

When this Nation's citizens are scandalized by the fact that their Federal Government supports an obscene and offensive piece of work through the giving of millions of dollars in NEA funding, they may reasonably ask, given the rule before us, that the arts be removed from the Federal Government's domain.

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If you look at the first section, this bill as reported, the Cran and Rohrabacher amendments, let me just suggest in the interest of time, I do not have to describe in detail the Rohrabacher amendments, which are not subject to a demand for a division in the House or in the Committee of the Whole. It would be best to read the Rohrabacher amendments in the report filed by the Committee on Rules.

Without describing in detail the Rohrabacher amendments, let me just say, it prohibits Federal funds for art that is obscene or gratuitous, expressive sexual activities, or that denigrates religious beliefs; or that promotes abstinence from or deferral of sexual activity.
In my personal opinion, the restrictions on Federal funds for the NEA art contained in the Williams-Coloman substitute have little to do with censorship. No one is censoring anything. Artists have the unfettered right, under the first amendment, freely to express themselves.

My understanding of the Williams-Coloman substitute is that the Government, through enactment of this proposal, simply has the right to say “We shall not pay for it, if it is obscene.”

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from Montana (Mr. WILLIAMS) and the gentleman from Missouri (Mr. COLEMAN).

I strongly support this substitute and I urge Members during the debate we are about to enter into, that the substitute includes strong language regarding accountability to the public in the use of public funds to support the arts.

Mr. Speaker, the Williams-Coloman substitute is supported by the gentleman from Michigan (Mr. HENNY) and most, if not all, of the Members who have been engaged in resolving this highly charged controversy.

The Williams-Coloman substitute makes it clear that public funds for the arts must be granted in such a way as to take into consideration the general standards of decency and respect that the American people hold for the right to reach out, and the beliefs and values of each other.

The Williams-Coloman substitute clearly states that obscenity is by definition not USF, that the general funding, is not protected speech, and that obscenity absolutely cannot and will not be funded by NEA.

The definition contained in the Williams-Coloman substitute is based upon the test of obscenity decided by the Supreme Court in Miller versus California.

Mr. Speaker, the rule provides for 1 hour of debate on the Williams-Coloman substitute. There will be ample time for the substitute, and ample time for Members to decide whether they prefer it over Mr. ROHRABACHER’S proposal.

In the House the opportunity to vote for meaningful standards for the spending of tax dollars on art, even though this rule requires two votes—two votes to accomplish this end of putting in place meaningful and effective standards.

Mr. ROHRABACHER. The Rules Committee has boilled the NEA issue down to three key votes. First, there will be a vote on the Crane amendment to abolish the NEA entirely.

Second, there will be a vote on my amendment to establish not extreme but some commonsense standards for NEA funding. Finally, the bottom-line vote will be on the Williams-Coloman substitute which will, if passed, wipe out all the restrictions that my amendment places on NEA. If this substitute passes, it will not matter if my amendment is adopted unanimously. The substitute will eliminate its substance.

The public has been alerted, and the constituents are watching. They know the vote on the gut-the-standard Williams substitute is the key vote.

Every Member of this body has a choice to make. Will they decide on the standards on the spending of Federal dollars concerning the arts? Or should the National Endowment for the Arts be completely unrestricted in doing out our tax dollars to whomever they choose. The Rules Committee has left no middle ground. The debate over the past year has made it clear that our constituents do not want their tax dollars to be wasted on projects that they find morally reprehensible. And they will be watching, and they will know that there is only one way to make the NEA responsible, and that is to vote “yes” on the Rohrabacher amendment and “no” on the Williams-Coloman substitute which would gut the standards.

They will not tolerate the goal of anyone voting for my amendment to set standards and then to eliminate and vote for the hard work of the NEA. But some commonsense standards for the arts.

Mr. Speaker, I would call on my colleagues to support the standards, to listen to their constituents, to vote for my amendment to set standards and then to eliminate and vote against the substitute which would gut the standards offered by the gentlemen, Messrs. WILLIAMS and COLEMAN.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to congratulate Mr. Williams and Mr. Coleman for their substitute and for the hard work that they have done in bringing the NEA authorization bill to the floor.

One question we should all ask ourselves is why are we here, with all of the other great issues of state before us. Does it not seem strange that this particular issue should draw fire and such fury?

I have a theory, and it is only mine, that Congress does not want to believe that the right, when they use their Constituent’s money, has to say long and hard for a new idea. Many Members the Senator Grandy basis and will not be funded by NEA.

The NEA is at least not subsidizing obscenity, child pornography, attacks on religion, desecration of the American flag, and any of the other outrages that we have seen in the past.

Mr. Speaker, this rule is not what I would have preferred. When I testified before the Rules Committee I asked for an open rule. This is not an open rule. I then asked the Rules Committee, if they would at least allow all proposed amendments to be offered—not be to the disadvantage my amendment through a “king of the hill” procedure. It is not successful on this request, either.

But, although the rule is not what I wanted, I do not oppose this rule. I do not oppose the rule that the Committee has before the House the opportunity to vote for meaningful standards for the spending of tax dollars on art, even though this rule requires two votes—two votes to accomplish this end of putting in place meaningful and effective standards.

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Mr. GREEN of New York (Mr. Speaker), I yield 1 minute to the gentleman from New York [Mr. GREEN].

(Mr. GREEN of New York asked and was given permission to revise and extend his remarks.)

Mr. GREEN of New York. Mr. Speaker, I rise on behalf of the rule and of this bill to reauthorize funding of the National Endowments. I think it is important, as we begin this debate, to reflect on a moment on what set it off.

One of the primary claims that set the media on fire was the assertion that the Mapplethorpe exhibit, which the NEA had funded, was obscene.

Mr. Speaker, I urge all of my colleagues to support this rule, to support the Endowment and vote for the bill.

Mr. PASHAYAN, Mr. Speaker, I yield 15 minutes to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Speaker, I want to talk about the rule, which I support, but I want to talk about the NEA. I am facing this afternoon in this debate on the National Endowment for the Arts and the National Endowment for the Humanities, and let us not forget the Institute of Museum Services because the gentleman from Montana [Mr. Williams] and I are actually bringing a new field to our debate. The Institute of Museum Services has made nearly 10,000 grants strengthening these institutions for years to come.

Now in its 25 years, the National Endowment for the Arts has supported the work of talented individuals and organizations of high artistic merit, leveraging nearly millions of dollars in private support. Since its inception, the NEA has stimulated the growth of arts organizations, and artists, and arts audiences, arts museums, and theatrical companies, and symphonies and orchestras, and to flourish during its operation.

In 1965, Mr. Speaker, there were the States arts agencies in all 50 States. The territories use Federal dollars that are matched on a local basis of ten to 1 in many instances. They play a very strong role in providing public access to the arts at the State and local level.

Now during the last 18 months, this 25-year-old record of the NEA has come under criticism and scrutiny. It has been distorted and misrepresented regarding its direct or indirect funding of controversial works of art or productions. Out of those thousands of projects that have been funded by the NEA, indeed only a handful, and we will certainly hear about the handful today, have gained public attention and notoriety.

As the debate surrounding the reauthorization of the National Endowment for the Arts developed during the past 1½ years, I became increasingly dismayed by the extreme positions taken by both the critics of the Endowment, who accuse those who support the NEA as de facto supporters of pornography, and, on the other hand, the equally intransigent position of the arts establishment, which writes off any criticism of the Endowment's peer review and grant-making process as an attempt at censorship. What the two extremes have in common, seemingly, was to do in this agency. Justifiable concerns about the Endowment's operations, about its lack of sufficient administrative oversight of its grant-making process, and the need for additional oversight and accountability in the public's interest, the peer review system, have been relegated to the background. We hardly talk about those issues. So, Mr. Speaker, we have had an NEA that is careening from one post to another, and I believe it is at risk and is adrift.
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October 11, 1990

H 9410

While I am a very strong supporter of public funding and the Federal role in the arts, I also feel very strongly that the public funding requires accountability to the taxpayer, and, sharing this view with the gentleman from Wisconsin [Mr. Gunderson], my colleague on the committee, I began to draft what I call the Republican consensus bill which sought before a common sense reforms to the Endowment’s peer review and grantmaking procedures. It would insure greater accountability to the taxpayers, increase resource allocations to the States, increase access to the arts by the public with new initiatives on arts education through rural and inner city arts programs. And our proposal prohibited the funding of any art work or production which we felt was obscene.

Mr. Speaker, during the past several months, even though we have had our differences, the gentleman from Montana [Mr. Rich] and I have sought to continue to seek and to work together to recognize that neither extreme was going to prevail in this debate, and the resolution of this problem needed to be made, and so, taking the Coleman-Gunderson approach, building upon the initial bill of the gentleman from Montana [Mr. Williams] that he introduced, we began to develop a bipartisan substitute which we felt would pass before the body this afternoon. This initiative was developed because we want an end to this. We want to set this agency on the proper course, and we want more accountability to the taxpayer without intruding on the constitutional rights of the American public.

Taken as a whole, our bipartisan substitute makes significant and basic changes in the Endowment and has more far-reaching reforms than this agency has ever had in 25 years.

The central question that we need to frame this afternoon is, “To whom is the taxpayers’ dollar accountable?” The answer to that question is, “It must be accountable to the public whose tax dollars go to fund it, and the agency itself from the Endowment’s existence through support, not only of artists and their work, but also from increased access of all of us to the rich and increased appreciation that all of us can gain to the arts.”

Our legislation begins with a simple statement, and I quote from our proposal. “The arts and the humanities belong to all of the people of the United States.” It expresses a basic principle which seems to have been so taken for granted during all this debate, and then ignored by both the critics and the defenders of the Endowment. The Arts Endowment is a Federal agency established to serve purposes the public expresses through those of us who are their elected officials.

Mr. Speaker, the Williams-Coleman language clearly states, and again I quote:

Public funds provided by the Federal Government must be dedicated to public purposes the Congress defines.” It strongly underscores the basic principle that in funding works or projects, Government must be sensitive to the nature of public sponsorship.” And let us consider that the arts and humanities is subject to the conditions of accountability” which traditionally govern the use of public money.

An Endowment of the Arts which loses the trust and support of the American people, will not continue to exist. Our legislative language stresses that the Endowment, as a Federal agency and steward of the taxpayers’ resources, must be sensitive to the public support and confidence in the use of these taxpayer funds. Our criterion in our proposal is artistic excellence and artistic merit. Those are the criteria by which an applicant will be judged.

Additionally, we have added language by the gentleman from Michigan [Mr. Hessay] which underscores that the decisions of artistic excellence must take into consideration general standards of decency and respect for the diverse beliefs and values of the American public. Works which deeply offend the sensibilities of significant portions of the public ought not to be supported with public funds. There is a statement of common sense, of prudence, of sensibility to the beliefs and values of those who, after all, pay the taxes to support this Federal agency.

We make very clear in our proposal that the NEA will not fund obscene works because obscenity is without artistic merit. It is not protected speech and shall not be funded. However, productions which are ultimately for some reason determined by a court of law to be obscene are prohibited from receiving funding from the arts, and the determination of the individual applicant must pay back to the NEA those funds and is ineligible for 3 years to receive another grant.

Mr. Speaker, it is the time under the rule to lay out our proposal, because of the time sequence of events, and the pressure for time when it comes to enact the various contested amendments that we have before us today. Some are concerned about putting into the hands of judges the decision as to what is obscene and what is not obscene. I do not shrink from giving this to our fellow Americans to decide. That is where it ought to be decided, by the courts and by the juries, not by Members of Congress, not by the leadership, not by me, not by the chairman, and not even by a majority of us. We should set out the parameters within the bounds of decency and obscenity in this country and let those decisions be made at the local level.

There are some who have given widespread views to some of these questionable pieces of work that we all know about. In fact, those who oppose the Williams-Coleman amendment have attempted to bring to millions of people in the guise of opposing them. They have given them more coverage than they ever would have gotten if they had just let them lie as they should have.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, I am glad the gentleman brought up this matter of disseminating these works which some find obscene. By the way, I find some of them offensive myself.

If the right wing in this country does not stop disseminating these works, we are going to have to build a wing on every gallery in the United States just to take care of the increased crowds that want to go to these galleries to see these works.

Mr. COLEMAN of Missouri. Mr. Speaker, I thank the gentleman for his statement. It certainly is not in my interest in this agency which many people did not know existed.

Let me say that there are some, including the gentleman from California [Mr. Rohrabacher], who want to put into legislative language specific activities and projects which may not receive funding by the Endowment. They say that if we start down that road of prohibiting categories of expression, categories which are indeed constitutional protected speech, where do we end? Where one Member’s aversions end, others with different sensibilities and with different values begin.

So I do not think any of us want to get into the business of determining which pieces of art ought to be funded. We can put out the general guidelines, and that is why I think the NEA itself can operate with the new restrictions, with the new procedures, and with the new reforms contained in our proposal. The Members, and especially those who are watching in their offices, do not know what the particular acts are, because some of these amendments are X-rated and we cannot even talk about them, but I think our imagination lends itself to what we are referring to.

Mr. Speaker, I will talk more about the Williams-Coleman bipartisan substitute during general debate and also when the bill comes up for amendment. At this time I want to thank the gentleman from California [Mr. Fauci] for offering me this opportunity early on to set out where we are going on this bill this afternoon.

Mr. BEILINSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New Mexico (Mr. Richardson).

[Mr. Richardson asked and was given permission to revise and extend his remarks.]

Mr. RICHARDSON. Mr. Speaker, I make this statement with great re-
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1990

October 11, 1990

CONGRESSIONAL RECORD - HOUSE

H 9411

ARTISTIC EXCELLENCE AND ARTISTIC MERIT

The endowment for the Arts is required to ensure that artistic excellence and artistic merit are the criteria by which support is made, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

OBScenITY

Language specifies that obscenity is without artistic merit and is not protected speech. The proposal makes clear that Constitutional prohibitions against obscenity apply to the NEA.

A. COURT DETERMINATION OF OBSCENITY

The law states:

1. A person applying for a grant is disqualified for obscenity.
2. A grantee is disqualified for obscenity.

B. REPAYMENT TO NEA

Applications for grants must include a description of the proposed project and a timetable for completion.

Conditions of the grant award or financial assistance include an assurance that the product or production will meet the standards of artistic excellence and artistic merit as required by the Act.

Site visitations will be required, whenever necessary and feasible, to review the work of the applicant and report given to the grant advisory panel to assist in their evaluation.

Applicants will submit interim reports detailing progress and compliance with terms and conditions of the award, except in those cases the Chairperson determines not to be required by the Act.

Distribution of grant awards will be made in three installments, except in those cases where the chairperson finds that the procedure is impractical. Two-thirds of the award will be provided at the time the application is approved; the final one-third will be disbursed upon NEA approval of the final report.

A final report on the project is required within 90 days of the completion of the grant period.

Penalties for noncompliance with terms and conditions of the contract include the withholding of full or partial payment and the termination of future eligibility until compliance is accomplished.
The new authority is created for arts education, includes initiatives to promote arts instruction for students, teachers, and artists, and funds the National Council for the Arts solely on the basis of standards of artistic excellence and merit.

Panels are required to be broadened, when practicable, to include individuals reflecting a wide geographic, ethnic, and racial representation, as well as individuals reflecting diverse artistic and cultural points of view.

Panels will include knowledgeable lay persons.

Individuals panelists are limited to three consecutive years of service on a panel and membership of each panel must change substantially each year.

No individual who has a pending application from the NEA or who is an employee or agent of an organization with a pending application shall serve as a member of any panel before which such an application is pending.

Panels are required to create written records summarizing the meetings and discussions of each panel and the recommendations by the panel to the Chairperson. These records are to be made available to the public in the same manner as the records of the advisory panels.

The council will make recommendations to the chairperson concerning funding and funding levels of applications that have been determined by the advisory panels to have artistic excellence and artistic merit.

All policy meetings of the National Council for the Arts shall be open to the public.

The council must keep records, summarizing meetings, discussions, and funding decisions and must make these records available to the public in the same manner as the records of the advisory panels.

Chairperson of the National Endowment for the Arts

The chairperson of the NEA has the final authority to approve or disapprove recommendations concerning funding and funding levels of applications that have been determined by the advisory panels to have artistic excellence and artistic merit.

The chairperson may not approve an application that has not been approved by the council.

State Funding

Funds allocated to the States for Basic Support will be increased from 20 to 25 percent in fiscal years 1991-1992, and increased to 27.5 percent in fiscal year 1993.

An additional 5 percent of NEA program funds in fiscal years 1991 and 1992 will be reserved for grants to state and local arts organizations for programs to expand public access to the arts in rural and inner-city areas. The percentage will be increased to 7.5 percent in fiscal year 1993.

The current 80-20 ratio of the Federal and State percentages of program funds will be 65-35 by fiscal year 1993.

New Initiatives and New Program Priorities

A new authority is created for arts education, includes initiatives to promote arts instruction for students, teachers, and artists, and funds the National Council for the Arts solely on the basis of standards of artistic excellence and merit.

There are two ways by which we can respond to some of the problems we have had in the NEA. We can try to kill it and punish it and abolish it, or we can try to work together and fix the problems. We have done this, and I hope we can continue to do this without getting caught up in a vindictive spirit which has goals quite different than that of simply strengthening this agency.

Mr. BEILENSON. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GAYDOS).

Mr. GAYDOS. Mr. Speaker, the substitute is the product of sincere and significant compromise by the members of the Education and Labor Committee and represents the willingness of many people to ensure the continued support for the arts by the Federal Government.

During the past several months, it has become clear that there has been a substantial opposition to continued funding for the National Endowment for the Arts, primarily because of suggestions that too many of the grant-winning projects have been viewed as being obscene.

As I mentioned, I have been one of those critics. I opposed the version of H.R. 4825 as it was reported by the Committee on Education and Labor and, if anyone is interested, the committee reported on the bill, 101-586, including my dissenting views.

In that report, I noted that while I supported the concept of Federal aid for the arts, I could not, in good conscience, vote for that bill because it provided for a straight 5-year authorization with no language to prohibit funding for works deemed to be obscene, and provided no system for improving the internal operating structure of the National Endowment for the Arts.

In my dissenting views on H.R. 4825, I suggested that a shorter reauthorization period, 2 or 3 years, would be far more acceptable to the majority of critics included to prohibit or significantly restrict advisory panels from recommending grants for works that would be obscene by traditional standards; and that the Independent Commission, authorized by the Congress and appointed by the President, be extended for an additional year in order to review the internal operations of the NEA and to report its recommendations to the Congress for action.

In the months since that report on H.R. 4825 was printed, a number of things have occurred that have encouraged me to believe that changes for the better were coming forth. In that period between the end of June 1984 and the beginning of June 1985, there was a kind of activity by the chairman of the National Endowment for the Arts—a willingness to take unpopular actions and a willingness not to get caught up with the objections to some grant applications.

We also have in hand the report to the Speaker on the National Endowment for the Arts from the Independ-
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Mr. Speaker, I rise to yield 5 minutes to the Member of Congress from Pennsylvania, who, I understand, has expressed the same concern as I have regarding the arts program of the Federal Government.

Mr. Speaker, the subject under consideration is federal aid and support for the arts. I have long thought of the arts as a national endowment and have viewed as a principal function of the Federal Government to support the arts. It is the role of government, not the role of the artist and not the role of the art community itself but to define the public good in this area and to act as the conscience of the society for the arts.

Mr. Speaker, I am concerned about the Federal arts program. It is the role of government to support the arts, and to act as the conscience of society for the arts. I believe that the arts program of the Federal Government should be a model for the arts community and for the arts programs of the States and of local government.

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with different responsibilities for different ele­ments in the structure.

The last amendment is a compromise sub­stitute for H.R. 4625, the bill before us today.

Mr. Speaker, I rise in strong support of the substitute amendment. I urge my colleagues to defeat those amendments that would either abolish the agency or severely limit its operational integrity.

I commend PAT WILLIAMS, the chairman of the Subcommittee on Postsecondary Educa­tion, for his perseverance and for his willing­ness to seek consensus.

This compromise substitute is the best available option. Mr. Speaker, it addresses each of my objections sufficiently so that I can support it without reservation.

I stand here to urge my colleagues to support it when the appropriate time occurs. I will vote for this rule and ask my colleagues to join me.

Mr. BEILENSON, Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. Durbin].

Mr. DURBIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the congressional debate over the National Endowment for the Arts again surfaces the age-old controversy in America between our commitment to free expression and our national conscience, molded since its infancy, by strong religious values. For over 500 years this country has labored to find a safe haven in this stormy debate. Though the artists and the legislators have changed, this is no new issue. I suspect that 200 years from now some form of this debate will still be taking place.

Under this rule, I may consider two amendments, one to be offered by the gentleman from Illinois [Mr. Crane], and the other to be offered by the gentleman from California [Mr. Rohrabacher].

In my mind, the amendment by the gentleman from Illinois [Mr. Crane] is the only serious choice.

From Illinois eliminates all public funding of the arts. Rather than produce a chastity check­list, the gentleman from Illinois [Mr. Crane] offers a clear, unadulterated state, a simple take it or leave it. I cannot support the gentleman from Illinois [Mr. Crane] nor his amendment, because I believe Federal support of the arts has real value for our Nation.

We fund music, art, education, and artistic expression. We encourage those qualities which give meaning to the prefix "gentle" in the words "gentleman" and "gentlelady".

The Rohrabacher-Helms approach tries instead to express in words that art which might be morally reprehensible in the minds of some.

The gentleman for yielding at the outset that I find personally tasteless and off­ensive many of the examples of so-called art which are at the core of this controversy. It strains credibility not to define, any definition of art to port­ray people and beliefs in a degrading, insulting, dehumanizing manner. Yet, without confronting or defining my own personal threshold of acceptable art, I find my legal education and legislative experience inade­quate to the task.

We learned recently that a jury of Midwestern Americans in Cincinnati took the existing definition and standards and refused to find the very works of art in question here to be obscene. In my own hometown of Spring­field, II, an aggressive prosecutor several years ago finally threw in the towel when his efforts to close a local porno theater resulted in several juries being unable to agree on the issue of obscenity.

To say that words fail us in this debate is an understatement.

There is an aspect of this debate I find curious and seldom mentioned by Republicans. Though I concede that only a handful of art works have been found controversial of the 85,000 which have been funded over the last 20 years, the debate is the one that the gentleman from California [Mr. Rohrabacher] presents the issue in a clear, concise, and to the point. It is clear in the mind of the gentleman from California [Mr. Rohrabacher], but I can guarantee Members, it will raise more questions than it answers.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New York [Mr. Schumer].

(Mr. SCHUMER asked and was given permission to revise and extend his remarks.)

Mr. Speaker, I rise today as a supporter of the National Endowment for the Arts. First of all, I would like to thank the gentleman from Montana [Mr. Williams] and the members of his committee for their outstanding effort developing a public discussion on the issue concerning this bill. I believe that there is no question that the arts endowment should be reauthorized to continue the great contributions that have been made by the NEA in the past.

Mr. Speaker, I would also like to say that as a member of the Interior Appropriations Sub­committee, I am proud to serve on the subcommittee that is responsible for funding the arts, and I am proud to serve with my very able and distinguished chairman, Mr. Yates. Chairman Yates has been a leader and a de­fender of the arts and has been a tremen­dously positive force in strengthening the cul­tural foundation of this Nation. We have all benefited from his leadership and foresight.

While the controversies that have character­ized the past year have made this a difficult period for the arts, these are circumstances that I know the NEA and its supporters will successfully endure. The record of the En­deavor NEA is long and distinguished, and throughout its 25 years of existence, the NEA has led the way in broadening access to qual­i­ty arts works in various disciplines. In dance, for example, the NEA has supported 37 professional dance companies when the NEA came into being in 1965, to 250 such companies at present. During that same period, the dance audience grew nationwide from 1 million to 16 million.

One of the most significant ongoing contrib­utions made by the NEA is through its funding of arts education initiatives, which par­ticularly helps young children develop and ex­press their creativity. NEA arts education ini­tatives are estimated to reach over 4 million children a year in the United States. Further­more, I am pleased by the successful partner­ship that has developed between the national endowment for the arts and the States. When the NEA begin, only five States had arts coun­cils. Today there are arts councils in every State and six territories.

In my home State of Washington, grants have been provided to support a variety of outstanding organizations, including: the American Indian Studies Center in Seattle, the Seattle Symphony Orchestra, the Pacific Ballet, the Puget Sound Chamber Music Society, the Seattle Children's Theater, the Brem­
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Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Mr. HUNTER. The Chair will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, my parliamentary inquiry is with regard to the debate on the House floor that is about to come up. Under the Rules of the House of Representatives, is the right to free speech protected as defined in the first amendment?

The SPEAKER pro tempore. Yes, clearly it is, consistent with the rules of the House.

Mr. WALKER. Consistent with the rules of the House. Some of the artwork that we are about to discuss has been ruled by the courts as being perfectly appropriate for public display.

Mr. WALKER. Mr. Speaker, I have a further parliamentary inquiry. Does the decorum of the House override the provisions of freedom?

The SPEAKER pro tempore. Order has to be maintained in the House to conduct the business of the House.

Mr. WALKER. Mr. Speaker, I have a further parliamentary inquiry. Does the decorum of the House override the provisions of freedom?

The SPEAKER pro tempore. Under the rules of the House, the Chair makes the determination as to whether decorum is proper in the House, and the Chair will make that determination at the proper time.

Mr. WALKER. I have a further parliamentary inquiry. Mr. Speaker. So the Speaker is saying that the right to free speech on the House floor can in fact be limited by the Chair, at the Chair's discretion, despite the fact that there are court rulings that indicate that the artwork is perfectly appropriate for public display.

The SPEAKER pro tempore. The gentleman is aware that the House has the responsibility for the House to be in order, and that includes the decorum in the House. The gentleman from Pennsylvania knows that. The Chair will enforce that.

Mr. YATES. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois.

Mr. YATES. Mr. Speaker, the gentleman or any member of the House, and any member of the House, are not entitled to speak on this question without previous hearing.

The SPEAKER pro tempore. The motion to reconsider was laid on the table.
cleared by the courts. It was cleared by a jury, not the courts.

Mr. WALKER. If the gentleman will yield, I appreciate that.

Mr. YATES. It was never submitted, never submitted to a court for consideration.

Mr. WALKER. I certainly agree with the gentleman's point and I make that correction. It was a jury that made that determination.

I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Since a jury has interpreted that this artwork is appropriate for public display, is the Chair going to permit such artwork to be displayed on the floor during the course of the debate?

The SPEAKER pro tempore. The Chair has already ruled and explained to the gentleman. The Chair will make sure that there is decorum in the House. The Chair will rule at any appropriate time that there will be decorum in this House. That is the Chair's ruling.

Pursuant to House Resolution 494 and rule XXXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4825.

The Chair designates the gentleman from Pennsylvania [Mr. MURTHA] as chairman of the Committee of the Whole.

Mr. MURTHA. Mr. Speaker, I ask permission to revise and extend my remarks.

Mr. GRANDY. Mr. Chairman, I have a quote here that says, "The most important instrument of a society's self-knowledge is its culture." You do not have to believe that; after all, that was delivered by one of these tacky show-business types turned political leader, Vadlav Havel.

It puts me in mind of a story I know from my own experience, a story told to me by an actress, an excellent actress, Pat Carroll, who most recently was playing Falstaff at the Folger Shakespeare Theatre right here across the street in another one of its impudent experiments in transvestism funded by taxpayers, and she said she recalls playing a production of Gertrude Stein in Hayes, KS, and she was terrified, because the audience was nothing but wheat farmers and their spouses, and she played to that audience.

At the end of that show, there were a bunch of wheat farmers waiting for her, and she thought, "What have I got myself into?" She turned to the audience and said, "Miss Carroll, thank you. We sure need more of this."

That tells me that the debate that we are having today about censorship, and it is not about censorship. It is about stewardship. It is about the charter that is being fulfilled by the National Endowment for the past 25 years, a charter that read, "It is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination and inquiry, but also the material conditions facilitating release of creative talent. And so the National Endowment for the Arts was created."

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Mr. WALKER. Mr. Chairman, weÃ¢â‚¬â„¢ve got a pluralistic society. We place great value on the variety of our origins, the hues of many colors, our cultures, our politics. Our differences of those things are very important to us. We understand that America's pluralism is our bulwark against tyranny.

The arts embody our differences, our individual viewpoints, our varied aspirations as a people. The arts and artists explore the many layers of our society.

Almost exactly 25 years ago the Congress, on behalf of the American people, found and declared that while no government can call great art into existence, it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination and inquiry, but also the material conditions facilitating release of creative talent. And so the National Endowment for the Arts was created.

A small and lovely revolution has resulted. Prior to the 1960's only 22 non-profit national arts organizations had been [Mr. GRANDY] established. We now have close to 300. Prior to this small and lovely revolution, America was graced with only 30 symphony orchestras. We now have more than 150. There were, prior to this small revolution, 22 non-profit regional theaters in America. It is now approaching 150. And with regard to dance companies, we have gone from 37 to now close to 300. There were, back in the 1960's prior to the creation of the National Endowment for the Arts, only 5 State arts councils, and now 58 States and territories have State arts councils. There were only 35 Federal art agencies in America, and now this small and lovely revolution has caused more than 3,000 local art agencies.

Equally and perhaps more important is the encouragement that has been given to new artists, young, vital, unknown artists, who are exploring, alive and perhaps dangerous; perhaps dangerous. This little agency has encouraged access to the arts, so enthusiastic. This little agency has been an excellent instrument of making art, and perhaps our culture. And so the National Endowment for the Arts is now approaching 25 years, a charter that read, "It is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination and inquiry, but also the material conditions facilitating release of creative talent," releasing it everywhere all over the country, $188,000 into my rural Iowa town in January of this year greater than 300. Sometimes they got a larger grant than they had people.

But the point is we are arguing about a controversy that has roughly cost the American taxpayer two-hundredths of 1 cent, and that is for the art that has been even discussed as controversial. That is accountability. Farmers Home would like to have accountability like that. So would NASA.

If we presume to argue the taxpayer dollars are misspent today, I defy anyone in this Chamber to find me a Federal agency that has a better record of success than the National Endowment. That ought to be something that this body is for, Federal Government that works.

But let me go one step further. Let me talk a little bit about some of the challenges to this today, about the abuse of that art monophasy here. As a matter of fact, we have even received in our offices a letter that says if we vote wrong on this, the people that are watching will vote...
against us. Let me say that I view that with respect and talk about, as the gentleman from California [Mr. Rohrabacher] did earlier, talk about the outrages, the latest outrages on NEA grants. How many outrages are there? One would think, by the way he talks and others talk, that there are as many there as there are in one of our national forests. That is not true at all.

In all of the $85,000 grants or more of NEA, there have been a handful of mistakes as there are bound to be. The wonder is that there are not more in the field of culture. What Government agency has not made a mistake? What Government agency has not been held more to account than NEA for its mistakes?

Those quotes are from that notorious patron of the arts and liberal, President Ronald Reagan.

Mr. WILLIAMS, Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. Yates], chairman of the Interior Subcommittee of the Committee on Appropriations.

Mr. YATES, Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to continue what the gentleman from Iowa [Mr. Grady] has been saying about what the National Endowment for the Arts has done over the years.

The gentleman from California [Mr. Rohrabacher] got up earlier and talked about this amendment and said that they were not extreme standards that cost a lot of money, he said, extreme standards, and if by some chance the House in unison were to accept this amendment, it would smother NEA. It would mean the end of NEA.

Some of you may have seen the broadcast of the National Endowment for the Arts over the last few weeks on PBS. All of those who have seen it have acclaimed it. It was magnificent, I cite that example because the series was made possible by a grant from the National Endowment for the Humanities.

That was a most dramatic and graphic sample of the kind of work that the arts and humanities have made available over the 25 years they have been in existence. They have provided the kind of art for America that the people of America want and like and deserve.

Opera, ballet, plays, special events, broadcast, all have made the funds available that have made this possible, and all through the country there have been grants from the Endowment for the Humanities elevating the artistic levels and cultural levels of this country, in operas, in plays, in ballet, in lectures, folk art, teaching for children. You listen to some of the words that are used about, as the gentleman from California [Mr. Rohrabacher] did earlier, talk about the outrages, the latest outrages on NEA grants. How many outrages are there? One would think, by the way he talks and others talk, that there are as many there as there are in one of our national forests. That is not true at all.

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Mr. GOODLING, Mr. Chairman, I yield 3½ minutes to the gentleman from Michigan [Mr. Henry].

Mr. HENRY, Mr. Chairman, it is very easy to write a press release. It is much harder to write legislation. I want to commend the gentleman from Montana [Mr. Williams], the gentleman from Missouri [Mr. Coleman], Mr. Yates, the gentleman from Ohio [Mr. Rogalla], and those that have come to order and declare that the House have the hope that the amendments that are restrictive will be defeated.

Mr. GOODLING, Mr. Chairman, I yield 3½ minutes to the gentleman from Michigan [Mr. Henry].
Mr. HENRY. Mr. Chairman, I appreciate the gentleman’s kind words, and later on I know other advocates of the cultural arts process will present forms that are integral to reforming the NEA and addressing conditions that some Members have raised. I point out that these present cultural forms that are not continued in any other amendment before this body.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. Kennedy).

Mr. KENNEDY asked and was given permission to revise and extend his remarks.

Mr. KENNEDY. Mr. Chairman, I want to compliment Chairman WILLIAMS and Mr. COLEMAN for bringing this important legislation to the floor. Despite the fact that I support the NEA without anandonment and rest as I will support their amendment as the only way to protect the high purpose for which the NEA was created.

On August of a century ago, President Kennedy conceived of the Endowment as a way “to help create and sustain a climate of freedom of thought and imagination.” And for close to 25 years now, the NEA has quickly and successfully succeeded in that mission. Dancers, painters, sculptors, and other artists have enriched our communities. And in the process, a national consensus has formed that art is vital to the cultural life of our Nation.

We all know about the Mapplethorpe photos and the Serrano sculptures. Few if any of us can look at such works without some sense of shock. But since the NEA firestorm kicked up over 18 months ago, only 20 out of 85,000 NEA grants have generated any controversy. Works such as these are the exception proving the rule. And the rule is that the NEA works well. To argue as some do, that we ought to do away with the NEA entirely is to throw the baby out with the bathwater.

Others will argue today that it is fine to fund the arts—but only if the artwork does not offend their standards of decency. But who gives them the right to set standards? This view threatens not only the NEA, but the very freedom of thought and expression that is the cornerstone of our democracy.

History has shown that the best art is not that which is popular, but that which is neglected. Mr. Chairman, I would suggest that the Williams-Coleman substitute if it passes will eliminate standards instead of setting some.

I think the people who are proposing that understand that. They have been against standards all along in this debate. Re who and I call upon my colleagues to pay attention to this and do what their constituents deserve, and that is to pay attention to how their constituents’ dollars are being spent.

Mr. WILLIAMS. Mr. Speaker, I yield myself such time as I may consume.

Given the remarks by the previous speaker, I believe that all of us who are involved in the creation of the Williams-Coleman substitute need to make a clear point here to the American people. None of us support using American tax money to fund pornographic obscenities. I do not think anyone on this floor supports funding obscenity. I think outside the people believe that I support that, so let me try to clarify the record for those people who say... Well, then, why is the NEA funded obscenity?

The point is, it isn’t. It can’t under the law. The American people are astonished when they learn the truth, which is Robert Mapplethorpe never received a nickel of NEA money for that work that is in question, not a nickel.

The gentleman from California has referred to work by Andre Serrano in which an image of Jesus Christ was submerged in urine. Not a nickel of NEA money went to produce that work.

The right wing has accused the NEA of funding a performance by a dancer named Annie Sprinkle, performing at a place called the Kitchen in New York. A Senator from the other side asked the General Accounting Office to do a study, a futile study on whether any NEA money went for that, and the answer came back officially, not a nickel, not a penny.

What does the NEA fund? It provides grants to universities to produce plays, to produce museums, to produce concerts. It supports the arts in the schools. It provides grants to universities to produce plays, to produce museums, to produce concerts. It supports the arts in the schools.

The NEA funded the Vietnam Wall. The NEA funded “Driving Miss Daisy,” the Pulitzer prize winning play that so many of you have enjoyed as a film.

The NEA funded “Chorus Line.” The NEA funded the Civil War documentary.

Remember those wonderful television shows, “Great Performances” and “American Masters?”

Some of you probably saw the traveling museum exhibits of the last few years, the Treasure House of Britain.

Perhaps you saw the traveling show, the Art of Paul Gauguin.

Do you remember Cleopatra’s Egypt and the many things that have enriched and enlightened our lives and museums? NEA.

Out in Oregon, senior citizens have a thing called the Senior Theater Ensemble.
In Detroit they have a group called the Odelters. Never heard of them. 

In Washington State, the International Children’s Festival. NEA.

What is NEA funds, not pork funds necessarily. The NEA supports artistic excellence.

Mr. Chairman, I yield 4 1/2 minutes to the gentleman from Michigan (Mr. CARR), chairman of the congressional arts caucus.

Mr. CARR asked and was given permission to revise and extend his remarks.

Mr. CARR. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is an important debate. A lot of people think that it has been trivialized, and I agree with them.

Our country stands for liberty and freedom. You know, I think it is very fitting that the symbol of liberty and freedom in this country sits in New York Harbor. It is a sculpture. It is the Statue of Liberty. Freedom and liberty are the core value of our society. Inherent in freedom and liberty is the notion that we are going to take some risks. We are going to take some risks that some are going to exercise their freedom and liberty in ways that we might regard as irresponsible. We take a risk that someone is going to exercise freedom and liberty in expression in ways that we certainly would not want, and we would not do ourselves, but there are some people in our society, and some of them are represented here in the Congress, who do not want too much liberty and too much freedom. The thought police of America are represented in this Congress. The thought police are represented here and are trying to restrict artistic expression in America today.

As Maya Angelou, the outstanding African American woman, once stated: “Art poses the question of consideration and morality. It does not answer it.”

Mapplethorpe may have posed questions. He did not answer them.

Serrano may have posed questions. He did not answer them.

The American public opinion will answer them and the American public opinion is strong enough, free enough, with liberty to make its own decisions about works of art.

The NEA cannot control creativity. It can only foster it.

To be honest, Congress really ought, using first amendment principles, to ensure that all expression is funded.

As Kathleen Sullivan, professor of law at Harvard University stated recently:

Government may no more bribe citizens to surrender their most precious liberties than it may bribe voters. Congress may no more bribe Andy Warhol to paint like Wyeth than it may outlaw pop art; either way it creates a world that is safe only for the rich.

You know, there was a time when Jazz was considered dangerous. In the 1920’s, the anti-Jazz movement was very strong. Chicago even passed a law that forbade the playing of trumpets and saxophones after dark. Jazz was to be decadent, its improvised rhythms a form of evil. The jazz musician performed in secret. Certainly the work of Manet and Matisse and those of Jackson Pollack were not readily received. But we take risks. This is a country of freedom. It is a country of liberty and it is un-American, to be sure, to try to restrict the expression of freedom and the expression of liberty.

The chairman mentioned Garrison Keillor. He did not mention that Garrison Keillor was also funded by the NEA in his early career, and that extraordinarily popular “A Prairie Home Companion” radio show was begun with NEA help.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON asked and was given permission to revise and extend his remarks.

Mr. GUNDERSON. Mr. Chairman and Members, I feel sort of inadequate coming here this afternoon because I am not one of those cultured people who can stand up here and tell you about all these different artists, all these different authors, all these different things that have been subsidized by the NEA.

I have a lot of people in my district that are represented in this Congress, and I tried to get the National Endowment for the Arts, now its third reauthorization, to pay a little attention not to the artists in Washington, DC, New York, and Hollywood, but very frankly pay a little bit of attention to promotion of art around the country and the artists who have not even heard of the process that presently exists for applying for a grant, or for taking the productions that exist in the artistic world not to the Kennedy Center but taking them to the state fair in my district. So I know that to me and my district might be able to see them.

And I tell you that because I think it is significant in the bill that is in front of us, that we are making strides in that direction.

The National Endowment for the Arts would not do it by itself. So now we are going to mandate that there be a special section of grants for the inner cities and for the rural areas, and I think that is important.

We are going to get into this whole question of freedom.

I took a tour around the Capitol of the United States and went to the Rotunda and took a look up there at the dome and the artwork up there, and you see all kinds of naked people doing a lot of things that I cannot even explain to you. You can go into the White House, you can go into the Library of Congress and you can stand in the conference room, and you sit there and you see little children with no clothes on, but with wings. I do not know if any of that is pornographic or not, but I think most people would tell you that you are artistic, for certain.

I bring that up because it seems to me the real issue in the National Endowment for the Arts is not whether we in the Congress of the United States are going to decide what is called true and what is not, that we are going to be the censors or not the censors of what America’s public can see, but rather that we talk about governmental process of supporting the arts.

That is why, when we get into the debate on the Williams-Coleman substitute, I am going to rise in support of that particular amendment because it is the most comprehensive, dramatic reforms in the operation of the National Endowment for the Arts and I believe that it will have put a black mark on what is otherwise a good agency with a good purpose.
And I call to the attention of all Members, liberal and conservative, Republican and Democrat, take a good look at the bill because it will solve the problems procedurally, without getting into censorship, that we all desire.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. MARLENEE).

(Mr. MARLENEE asked and was given permission to revise and extend his remarks.)

Mr. MARLENEE. Mr. Chairman, the legislation before us is a smokescreen. It will be purported that the legislation is all fixed up. It is fixed all right—a fix that allows the junkies to continue to peddle their depraved and sadistic wares with impunity.

If they do not get their grant, they sue the NEA, screaming censorship. I enclose for the record an article from the Los Angeles Times.

(From the Los Angeles Times, Oct. 11, 1990)

FROHNMAYER DISMISSES NEA'S GRANT APPEALS

(Alain Parachoni)

The National Endowment for the Arts has rejected appeals by four controversial performance groups for NEA grants last month. The denials apparently set the stage for a lawsuit challenging the grant rejections, because both legal standards and artistic decisions were applied to an artistic decision.

The decision in the case of the so-called "NEA Four" by NEA Chairman John E. Frohnmayer was disclosed Friday by the Center for Constitutional Rights, a New York City public interest law group that represents the four artists.

The case against the group, which affected appeals by performance artists Karen Finley and Holly Hughes of New York, Tim Miller of Santa Monica, and John Fleck of Los Angeles. The work of Hughes, Miller and Fleck is political and gay in its orientation. Finley's is strictly feminist, with political overtones. Most of the artists occasionally employ on-stage partial nudity as part of their work.

Denial of the appeals by Frohnmayer had been widely expected. Official word of the denials was conveyed in letters to the four artists from Randolph McAusland, acting NEA deputy chairman for programs, received by the artists on Friday. The NEA declined to comment, but lawyers for the artists released copies of the official endowment's decision.

"This only underscores that we are being punished for the political content of our work," Finley said in a prepared statement issued by her attorneys. "The government wants art to be propaganda for the State and we're not willing to do that."

The letters said Frohnmayer denied the appeals because "in all the artists except Miller under the chairman's overall authority to "support projects which meet the highest standards of professional and artistic quality."

Miller's appeal, the letter said, was denied on the technical grounds that one of his letters of recommendation—from Los Angeles Times drama critic Peter Schumann—was not received by the NEA. Miller has said in the past that he discussed the status of his application with endorsement officials before a deadline for the documents had lapsed and was informed his file was incomplete.

David Cole, a Center for Constitutional Rights lawyer handling the appeals on behalf of the artists, said all four of his clients had been widely expected.

"Mr. Frohnmayer made the Art council members individually and urged them to support him."

Frohnmayer's decision to reject the fellowships in July came within days after he reportedly told a group of artists leaders in Seattle that "political" problems between the NEA and Congress would make it necessary to reexamine the applications.

However, accounts of what Frohnmayer said at the meeting have varied. Some people in attendance recalled the Frohnmayer mentioned Finley and the political need to reject grants in detail, others said they remembered no specific discussion of Finley.

Under the legislation before us, it's my understanding that the NEA, just as it gives forward grants for anything and everything.

If a taxpayer objects, the response is "so sue me." In a decision that steals your wallet, insults your wife, calls you a bad name when you object, and then says "so sue me—take me to court." Mr. Chairman, and how far that approach will get. It also exhibits an arrogance.

(From the Washington Post, Oct. 6, 1990)

ART GALLERY NOT GUILTY OF OBSCENITY—CINCINNATI JURY CLEARs MAPPLETHORPE EXHIBITORS OF ALL CHARGES

(By Kim Masters)

CINCINNATI—Oct. 5—A jury of four men and four women took less than two hours today to clear the Cincinnati Art Center and its director, Dennis Barrie, not guilty on charges that they pandered obscenely by displaying an exhibit of photographs by Robert Mapplethorpe.

Both defendants also were acquitted on charges that they violated a state law against use of materials depicting nude minors.

"Robert Mapplethorpe was a great artist. It was a tremendous show. We should have never been here in court," said Barrie after the verdict.

The crowd at the defendants' table erupted into applause and tears as the last of the verdicts was read. The case was the first in which an art gallery was tried on obscenity charges.

The gallery faced $10,000 in fines, and Barrie faced a $5,000 fine and a year in prison.

All eight jurors declined to speak to reporters and were escorted out of the courthouse as soon as the judge dismissed them.

Roger Ach, the chairman of the art center board, and Robert Allen, the business executive who sponsored the exhibit, stood and embraced each other. Judge David Al- lemand declared the trial to remain unemotional as the verdicts were read.

"After the final "not guilty," the foreman—a stout, square-jawed secretary who wore her dark blond hair in a ponytail—smiled briefly.

Prosecutor Frank Prouty declined to comment on the verdict. "I went before a jury. The jury made a decision," he said.

The gallery and Barrie were indicted on April 7, the day the Mapplethorpe exhibit opened to record crowds at the arts center. Local authorities had quickly brought a grand jury through the gallery that morning. Hours later, sheriff's officers swept into the gallery with a search warrant and an indictment. As an angry crowd of gallery supporters chanted outside, police cleared the gallery and shot a videotape to be used as evidence.

The jurors never saw that tape, since the jurors were instructed to accept only the seven photographs cited in the indictment.

We defense had contended that jurors should view all 175 images in the show—including figures and pictures of calls and the Supreme Court has ruled that material must be evaluated "as a whole" when determining whether it is obscene.

The obscene charges were based on five graphic depictions of homosexual sadismo-
masochistic activities. Barrie and the gallery were inundated with nude portrait requests of young children whose genitals were visible.

The jury included one college graduate. The rest described themselves during jury selection as working-class churchgoers who had labored in various jobs. They included a phone company worker, a warehouse manager, a data processor, and an X-ray technician.

After the verdict, a mob of reporters surrounded Barrie and defense attorneys Louis Vigliotti and Caroline Mezibov. Vigliotti said: "It's been 17 years that I've been fighting . . . and this is the greatest win.

Sirkin said: "We're glad that we go into history as a winner."

Adulterous to the famous Scopes trial, in which a teacher was convicted for teaching the theory of evolution, Sirkin said, "We're better than Clarence Darrow. He lost."

Mezibov said he was confident as soon as the jury was selected that the gallery and Barrie would be acquitted. Barrie said he had his ups and downs throughout the trial.

"The time I felt most confident was when they interviewed those jurors," he said. "They were average, everyday people. Maybe they are not thinking about their own personal lives, or they said there shouldn't be restrictions on adults. I also . . . was encouraged by the view of the jurors when they had a chance to talk to them." Barrie was the final witness for the defense.

Barrie earlier said there were some dark moments yesterday when the judge permitted Judith Reisman, a communications specialist, to give a content analysis of the photographs. The defense had argued that she had no relevant expertise and that her testimony was prejudicial.

Prouty had rested his case after calling only three police officers as witnesses to testify to events in the days before the show opened. He introduced no expert witnesses on Mapplethorpe's merit as an artist. Reisman appeared as a rebuttal witness but not as an art expert. The Supreme Court has ruled that material cannot be deemed obscene if it has serious artistic value.

The jury had been instructed that they were no longer interested in the trial and that it was over.

The court's exhibit was an ongoing furor over freedom of expression and federal funding of the arts. The controversy was sparked by the American Family Association in Tupelo, Miss., which has fought National Endowment for the Arts for 17 years. The court's exhibit was subsequently shown without incident at the Washington Project for the Arts. The exhibit opened in Wilkes-Barre, Pa. and traveled to Berkeley, Calif.; Hartford, Conn.; and Boston without incident.

The Rev. Donald E. Wildmon, whose American Family Association in Tupelo, Miss., has fought National Endowment for the Arts for exhibits such as the Mapplethorpe show, told the Associated Press today: "This is not a landmark. Pearl Harbor decision. This was just another obscenity trial.

The defense argued earlier today, Prouty insisted that the children's portraits were not "morally innocent," a defense under Ohio law. "Did you ever try to prop up some child on the back of a chair and then tell him to pose," Prouty said, alluding to a portrait of a little boy.

Defense lawyer Mezibov, speaking for the arts, said: "The fact that his work was relieved to have them decide the case. "Through you . . . we are going to put to rest all the ant-arts advocacy which has wrecked this community."

The previous evening, Mezibov told the jurors that his client had a history of baseball gameplay between Cincinnati and Pittsburgh and was "taught and excited to see this city lit up for the entire country to see."

Instead of sending a message of rep­ rimand, this Congress is rewarding the peddlers of smut by increasing the sub­ duction by $44 million. Let us add it up:

Arrogant lawsuits to obtain grants for support of the obscene art; Lawsuits filed for by citizens to pre­ vent abuse;

Increase authorizations to fund all of the above.

The arrogance of the art community; the arrogance of the committee in not recognizing a citizens revolt; and worst of all a legacy left to our children: those who they wish to support?

Mr. Speaker, I enclose my response to those who have contacted me about this issue.

ENCLOSURE No. 3

I have basically reserved public comment on the question of offensive pornographic art versus the right of expression until I could devote the time necessary to evaluate the evidence being presented, the views of those I represent, and my own perspective.

In my opinion, the occasional convoluted reasoning of the courts often throw us into great national debates over what appears to be very simple matters. These musings by the courts are often then followed by convoluted reasoning by Congress.

The flag issue, the abortion issue, the arts issue, and the balanced budget issue are examples that the system of the checks and balances works well. In the final analysis, it is the people who will speak and whose wishes will be expressed whether it be through those who have been elected to represent them or through changing those who represent them.

In my mind there is no question that tax­ payer abuse in the first degree has occurred. It has been documented that taxpayers paid $4 million to be shown in the Mapplethorpe exhibit, all paid for by the National Endowment for the Arts. I do not believe that contemporary art or arts ever operated higher or lower than landscapes or comedy.

I would, however, as a gentleman from New York [Mr. COLEMAN], I would say that the vast majority of the taxpayer's trust, be compelled to send a broad­ based message that the taxpayers and citizens of this nation believe that some of these funds were squandered. That message could be interpreted as, "Clean up your act or get out of the business!"

Even with the warnings of public anger and threats of legislative reaction, some members of the arts community insist that they are under a censorship threat. Their response is that under the cloak of art, they can produce virtually anything without any standards of decency or propriety.

The continuance of these excesses will result in elimination of all tax­ payer support, so sayeth the taxpayer patron. That would indeed be sad when we consider all the outstanding performances, all the fine classical music, all the great works of the arts and humanities that this seed money has generated.

Given these considerations, I will vote for meaningful reform and meaningful term is not achieved, I will vote against all funding for the National Endowment for the Arts. I do not want my name attached as a patron to a legacy of art that is degenerate, obscene, perverted, pornographic, and exceedingly offensive. Let the artist find another patron, not the taxpayer.

Mr. WILLIAMS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. WEISS].

Mr. WEISS. I thank the gentleman for yielding me this time. Mr. Chairman, I would like to commend the gentleman from Montana [Mr. WILLIAMS] and the gentleman from Missouri [Mr. COLEMAN] for their efforts to introduce a compromise on this highly controversial measure.

Nevertheless, I would like to raise some questions about their substitute
House

Mr. ROHRABACHER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. Goodling).

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. Rorabacher).

Mr. ROTH. Mr. Chairman, I thank the gentleman from Missouri (Mr. Goodling) for yielding this time to me.

Mr. Chairman, the American people have really been outraged by what is taking place because they feel that their hard-earned tax dollars are being used to fund obscene and blasphemous art, and I think it will go on for a long and short of it. The American people rightly understand that this is not an issue of censorship because no one is trying to ban or control the type of art. What we are proposing is preventing the National Endowment for the Arts from using tax dollars to fund child pornography, obscenity, works desecrating the flag, child pornography or any other such art. In fact, they think that it is outrageous that Congress has even seriously considered such a proposal.

Mr. Chairman, my constituents do not want to see their tax dollars used to fund attacks on religion, desecration of the flag, child pornography or any other such art. In fact, they think that it is outrageous that Congress has even seriously considered such a proposal.

Mr. Chairman, I would like to share with my colleagues just a couple of lines from one of my constituents' letters, and I have received hundreds of letters, just as my colleagues have. This constituent writes:

"It is outrageous to think that our hard-earned money is being used to mock and defile our values and beliefs. At this point, considering we have such a huge deficit, and the talk of raising taxes, I don't know why Congress would want to defend our traditional values. They want an end to taxpayer support of art that they see as utterly offensive to the American public and to their values."

Mr. Chairman, the effort under the Williams-Coleman substitute to shift our various works that have gone through the old system I think is sufficient to assure, with the language which we have already noted, that that type of activity will doubtfully ever be funded under the circumstances that we think are in place under our proposal.

Mr. Chairman, one of the things that a lot of Members have talked to me about and one of the things from the gentleman from Wisconsin (Mr. Gurnerson), who was originally one of my sponsors of the Republican alternative, was to try to get away from a national effort here solely organized, and controlled and looked at as a national NEA. Because, as I mentioned earlier, there is a significant role for the States to play. Not only is there a significant role, but I think, when we get into this issue of values that the gentleman from Wisconsin mentioned, by shifting some moneys from the national NEA to the State councils, that will better reflect the attitudes of that particular community and people from all walks of life, all parts of the country, different ethnic makeups, and try to put the pluralism in the very threshold question of the people who will determine what is artistic excellence and what is artistic merit.

So, Mr. Chairman, the effort under the Williams-Coleman proposal to shift our various works that have gone through the old system I think is sufficient to assure, with the language which we have already noted, that that type of activity will doubtfully ever be funded under the circumstances that we think are in place under our proposal.
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So, under current law there is a distribution formula back to the States of 20 percent. One of the things I asked for before I could come to the floor was a bipartisan compromise was to still some of those funds from the national office, the 80 percent, to the States. And we have accomplished that by increasing that State basic grant from $20, to $25, to $27 1/2 by the third year of this authorization. We also create a competitive grant that the chairman of the Endowment will have control over deciding which States will receive it, but it increases a new program of access to the arts for inner cities and rural areas of 3, building to 7 1/2 percent by the third year. So, combined we have 27 1/2, 7 1/2, or 35 percent.

Mr. Chairman, that might bother some people, but I think for those of us on this side who look for decisions to be made more at a local level and to reflect these types of values that this is one and a reason for people to support the Williams-Colman substitute on this side of the aisle.

Let me also state that, because of the debate being limited on these other proposals, that we are creating new programs for access, and I think the television productions that we recognize as “American Civil War” to the types of productions we are talking about. As my colleagues know, when people talk about the NEA doing such bad things, let us not forget they do some very mainstream things. I see my colleague from Missouri. They paid for and helped assist the George Caleb Bingham paintings to be brought to Washington, DC, and to be exhibited throughout the country. That was done on an NEA grant.

It is that type of mainstream efforts that we are not going to focus on today. They are very, very important: Local symphonies, support for local arts centers, perhaps the college back home. A lot of our critics have focused on areas in the country’s most significant arts, from which have supported such Public Broadcasting television series as “American Playhouse” and “Live from Lincoln Center.”

Mr. Chairman, I rise in support of H. R. 4825, legislation to reauthorize the National Endowment for the Arts, National Endowment for the Humanities, and Institute of Museum Services as represented by the bipartisan compromise of Representatives Pat Williams and Thomas Coleman.

I strongly believe that NEA has been a critical component in furthering the arts over the last 25 years. The NEA has repeatedly fostered creativity, encouraged programs which have greatly enriched our society as well as individual artists, and which have supported the arts communities. But further, the NEA has prevented the dissolution of institutions such as the American Ballet Theatre. All of these efforts have been clearly in the public interest.

I believe that NEA has performed admirably and should continue to carry out its clear mandate without restrictions that could well compromise its historically high performance standards.

The arts and humanities have a profound impact on how we perceive each other and on how we live our lives. As our country becomes more culturally diverse and less cohesive, the arts and humanities have a unique opportunity and responsibility to reflect our changing society accurately and fairly. Needless to say, the NEA is essential to meeting that challenge.

Millions of Americans have benefited from the Government’s patronage of the arts through NEA, which has supported such Public Broadcasting television series as “American Playhouse,” “Live from Lincoln Center,” “American Masters,” “In Performance at the White House,” and “The Great Performers.” Since 1965, over 360,000 NEA grants have supported such institutions as the American Ballet Theatre, the NEA also supports the critically acclaimed Dance Theatre of Harlem.

NEA supports local, nonprofit theater productions, many of which have become Broadway and Hollywood successes. In fact, the last 11 Pulitzer prize winning plays were developed at NEA funded nonprofit theaters.

It is unfortunate and unjustified that recently, the NEA has been under attack because of a few publicized cases. But in all fairness, of the 85,000 grants awarded by the NEA since 1965, fewer than 26 last year were criticized.

Critics have focused on these few exhibitions and have accused the NEA of supporting obscenity. Mr. Chairman, but NEA is about artists and their community at large supports obscenity. And 1 question whether certain Members of Congress can or should try to determine what is or is not obscene.

To those Members of this body who fit that category I quote the writer James Baldwin, who once said to the audience of New York: “I am an artist. I am a disturber of the peace. He is produced by the people, because the people need him. His responsibility is to bear witness to that fact.” We should also remember who produce him...you have to hear in mind that everybody wants an artist on the library shelf, but no one wants him in the house.

Not all people are going to agree on what is in good public taste. And many people might find some exhibits in question to be offensive. But in our system of government, only our judiciary can and should determine the inherently constitutional issue of obscenity.

Now let me say at this point that I totally against the Cran amendment to abolish the NEA.

Through Federal funding for the arts, the country’s most significant artists and artistic events can be brought to the far corners of our Nation and the experience shared by citizens countrywide.

Federal funding for the arts is necessary to ensure that the arts reach their full potential as a major force in our society, contributing to our national progress.

The federal funding for the arts can play a major role in facing the national crisis in education by inspiring our youth, instilling knowledge, skills, values, discipline, spirit, and imagination.

As chairwoman of the Government Activities and Transportation Subcommittee of the Committee on Government Operations, I am particularly interested in these issues, since we have oversight jurisdiction of the National Endowment for the Arts. In that capacity, I have held public hearings on how well all ethnic groups are included in our arts and humanities programs.

Mr. Chairman, the arts are crucial to the enrichment of our society and our world. As such, I urge my colleagues to vote “no” to the Cran amendment and join me in the support of the reauthorization of and appropriations for the National Endowment for the Arts.

Mr. GOOLDING. Mr. Chairman, I yield 1 1/2 minutes to the gentleman from Texas [Mr. ARMLEY].

Mr. ARMLEY. Mr. Chairman, it has been my observation that every public official or legislator’s worth of Government spending of the taxpayers’ hard-earned money brings with it 1 million dollars’ worth of criticism, disease, and presupposition. In this debate, the most audacious presumption of all is the presumption that without the National Endowment for the Arts there would be no participation in and enjoyment of a re小伙伴们 in the arts in the United States.
Mr. Chairman, that presumption is ludicrous. The American people enjoyed the arts, produced the arts, and participated in the arts long before the existence of the National Endowment. So if in fact there is going to be Government spending on the arts, it is a question then of how much art will we have and enjoy, but what will be the nature and the type of the art that we will enjoy?

Mr. Chairman, I would suggest that nobody spends somebody else's money as wisely as they would spend their own, and that is certainly true in this case.

Last year alone there were 18,000 people or organizations that made application to the National Endowment for the Arts. Five thousand of those were granted. Thirteen thousand were not.

Are we to believe that none of those 13,000 artistic endeavors that were denied funding by the U.S. Government ever took place? Are we to believe that each of those 5,000 that were funded should have taken place instead? Are we to believe that none of the 8,000 would have taken place without the grants?

I think not. I think it is time to end this intrusion into freedom of expression in the arts. Vote for the Crane amendment.

I appreciate this opportunity to pass along my thoughts regarding the future of the National Endowment of the Arts, and to discuss the volatile mix of taxpayer money and artistic freedom in a somewhat reasoned setting. Until now, the nature of the discussion has been anything but reasoned.

Those of us who question whether or not tax dollars should be used to fund individual artists or organizations in the self-described arts community, or whether such spending should be subject to limits that reflect the sensibilities of the American taxpayer, have been the focus ofUDENT ad hominem attacks. I have had the distinction of being called in the media a "petty moralist," "public phitead," "troglodyte," "petty phile," "bozo," "fascist," "tyrant," "petty moralist," "public pinhead," "ordinary citizen," "ignorant fool," "alien phitead," and, of course, "censor" by advocates of no-strings-attached Federal spending on art. And I know that some on the other side of this issue have been charged with willfully funding porography, which never goes over big with the votes back home.

In reasonably addressing the future of the National Endowment for the Arts, we must ask ourselves three fundamental questions:

First, is it the proper role of the Federal Government to grant money to individual artists, arts organizations, and the more traditionnal fine arts?

Second, if a majority of Members of Congress feel it is the proper role of the Federal Government to fund these individuals and groups; do we have the resources to do it in an era of $200-plus billion deficits?

Third, is it possible that individually funded works of art and performance art is of such high priority, should the Congress have the right to impose standards that artists, organizations, and the more traditionnal fine arts?

It is no coincidence that freedom of speech is protected by our Constitution's first amendment, for it may be our most important right in America. Anyone who values freedom of expression as deeply as I do should find abhorrent the very existence of a Federal panel charged with determining what art is worthy of funding.

When last year Senator HELMS passed his Senate amendment barring certain types of artwork from receiving taxpayer funding, he was branded as limiting freedom of speech. The distinction between his proposed denial of funding and the denial of expression was deliberately ignored.

Let's look at this curious contention that withholding tax funds from certain artists is censorship. According to the budget director at the National Endowment for the Arts, the NEA received 17,879 grant applications in fiscal 1989. They chose to fund 4,572 of these. In the language of the demagogues in the arts community who denounce Senator HELMS, the NEA censored 13,307 artists last year. Doesn't that have a chilling effect on the arts community?

Throughout last summer's debate, many outside Congress who proposed content restrictions on NEA grants argued that Federal grants were important because they constitute a stamp of approval that enables an artist to receive grants from the private sector. Doesn't that scare any of you? Don't you find frightening that a Government agency is putting its stamp of approval on what is acceptable art, art that is worthy of funding in the private sector?

Unfortunately, those who cry out for Government funding of individual works of art in one breath and shout "censorship" in the next refuse to acknowledge the inherent contradiction in their actions. The bottom line is the bottom line. They don't want freedom of expression, they want the money. They care less about freedom of expression than they do about the greenback dollar.

If, however, you accept the premise that a Federal agency should spend taxpayers' money to fund individual works of art, you must put it in the context of a Federal budget with competing demands on limited resources. Then the question becomes, "when we have a projected Federal deficit in excess of $200 billion can we afford to spend $180 million on art?"

Some say that figure is a mere drop in the bucket, but how many homeless families could be housed with $180 million? How many scientists could continue researching a cure for AIDS? How many veterans could be given vouchers to allow them to purchase high-quality medical care closer to their homes? How many fledgling democracies might be assisted? How many on the government payroll could be enlisted in our war on drugs? Or how many taxpayers would appreciate some tax relief and deficit reduction?

Surely funding for museums, individual artists, opera productions, city orchestras, and plays would be high on Maslow's Pyramid of Human Needs, which may be why those who take advantage of their availability tend to be the more privileged members of American society. In other words, spending tax dollars to fund works of art amounts to an inequitable transfer of income from lower and middle-class taxpayers to indulge the less urgent needs of the more privileged class.

It is this Congress's job to allocate spending, and I would strongly suggest that funding any artistic activity is at or near the bottom of most taxpayers' priorities.

But, if the majority in the House determine that their constituents deem funding for the arts community a national priority, then they should ask themselves, "should the National Endowment for the Arts be held accountable for how it spends tax dollars?"

Boom! This is the explosive question at the center of so much heated debate and rhetoric.

One of my distinguished colleagues summed up the conflict earlier this year by saying "the Federal Government should not diminish the artist's right to offend," but that on the other hand, "taxpayers have a right to determine how their money should be used."

I cannot see that conflict here. The indisputable right for an artist to offend the public is different from a claimed right to offend the public at public expense. No one ever countered that Andres Serrano should not be free to urinate in a jar and then take a picture of a crucifix submerged in his urine and call it art, but I do not think taxpayers should be forced to pay for it. It is not just. Barring that, the answer becomes less clear.

Many artists felt the NEA was being unfairly singled out for congressional oversight during last summer's debate when in fact, every agency in the Federal Government is subject to such oversight. What distinguishes the NEA and its grant recipients from all other Government agencies is its assertion that it is exempted from such congressional oversight.

Many advocates of no-strings-attached federal arts funding assert that war is too important to be left to the warriors in the Pentagon. Then they assert that art is more important than war, but art should be left to the artists. And-not all artists should determine spending priorities at the NEA, but a small clique on the fringe of the art world, sometimes known as the avant garde, which I prefer to call the loonies-

I do not believe we should spend NEA money for the enjoyment of artists. I believe we should spend NEA money for the enjoyment of the public. If we accept the premise that NEA grants should reflect the public's sensibilities and values.

Obviously, defining what the public's sensibilities and values are is a tricky business. It is a business more easily conducted at local levels, where the sense of community standards is readily identifiable. In this regard, the best way to fund the arts is for Americans are given the opportunity to enjoy works of art, to ensure that rural communities across America can still have access to the fine arts, and to reduce the possibility that tax dollars will be used in a way that denigrates rather than lifts the human spirit may be to grant NEA funds to indihood organizations so they can spend.

I am very disappointed that Congress has allowed this controversy to continue for much too long and hope that we will do right by the taxpayers today.

Mr. WILLIAMS. Mr. Speaker, I yield myself 30 seconds.

The gentleman from Texas [Mr. Addabbo], the previous speaker in the well, has said in his judgment it is ridiculous to assume the National Endowment of the Arts assist the arts in
America, and he is simply wants to do away with it and turn it over to the free market and. We have heard that agrument a great deal during the 1980’s. It is called in a word, “deregulation.” We deregulated the airlines. We deregulated the savings and loans. The tops are peeling off of planes. The sides have fallen out of the savings and loans. Now they want to deregulate the small efforts that the Federal Government takes in assisting the arts under the promise that we will all be better for it.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KOSTMAYER.)

Mr. KOSTMAYER asked and was given permission to revise and extend his remarks.

Mr. KOSTMAYER. Mr. Chairman, I think the American people ought to understand what we are talking about. One line of the amendment offered by my friend, the gentleman from California, is this funding “for works that denigrate the beliefs or objects of a particular religion.”

Well, the Merchant of Venice has an anti-Semitic theme. Does that mean that the National Endowment for the Arts would not fund performances of The Merchant of Venice?

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT.)

Mr. TRAFICANT asked and was given permission to revise and extend his remarks.

Mr. TRAFICANT. Mr. Chairman, Amendment on obscene works of art are not being debated today, and those are the budgets that are screwing the American taxpayer. But this is an important vote, an important rights issue.

Mr. Chairman, I can recall agonizing over the flag vote. I decided to vote for Old Glory to set her apart. I felt patriotism and national pride warranted that, to put her in a category all by itself. There’s an advantage to anybody had to exercise their first amendment privilege by forticating on Old Glory in Central Park.

But censorship fails. It fails. Suppression of any kind has no place in a free and participatory democracy.

I want to say here today, everybody seems to be bashing the gentlemen from California (Mr. ROHRABACHER) and Illinois (Mr. CRANE). I stand here today to commend them. I think that they are making an important decision.

But I am going to say this, if we could spend billions on military academies, we could spend pennies for the arts.

Mr. GOODLING. Mr. Chairman, I yield myself 3 minutes and 30 seconds.

Mr. Chairman, I enjoy watching a red lighted fed-ex too important a Pentagon, so important to the arts. I’m spending this time on the known as the “NEA.” It is the public’s sensibility. It is intruded at all. It is the public’s sensibility. It is intruded at all.

The NEA has made about 85,000 grants in its history. About 20 of them have been controversial. Only about 20. Our country, with the air force and the navy and the army, we deterage everything that ought to be deterage.
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MR. OWENS of New York asked permission to revise and extend his remarks.

Mr. Owens. New York. Mr. Chairman, I have here a written statement which I would like to have read. It is a list of listings of NEA grants that were received by people within my district. I am not going to read them, but I am certain that every Congressman could present the same kind of list of numerous positive projects that have benefited people at all levels, school-age children, adults, everybody.

Some 80,000 projects have been funded by NEA since its inception, and only 25 of those 80,000 have aroused any controversy whatsoever. This is clearly a program that benefits America. This is clearly a program that we need more of and not less.

The problem is that a few loudmouths and a few people who are very skillful at fanning the flames and leading into diversions have commandeered the media and the press and generated a stampe. Unfortunately, we have a compromise here which I do not particularly like, but I am going to vote for it because the stampe has been so successful that it is going to be necessary to compromise in order to keep the program alive.

Let us realize that while I do not question the sincerity of any Member of Congress, in total this whole stampe has been a diversion from very serious matters. It serves to divert us from the real obscenities in our Nation.

Webster defines obscenity as anything that is morally repugnant. There are a whole list of morally repugnant national matters that we ought to be concerned with. It is not by accident that I make the following associations: We know the name of Charles Keating because Charles Keating is one of the leading S&L kingpins, a master crook, a master thief who has stolen billions of dollars from the people and is not being held up, and the stampede has covered a broad range of activities, from a $300,000 grant to support the public television series "Wonderworks," a high-quality children's series, to a $9,800 grant to international House in Philadelphia to fund a traveling exhibition on traditional craftsmanship to the Delaware Valley of Pennsylvania.

Grants go to Pennsylvania for rural arts; an Afro-American Historical and Cultural museum; a catalog of 19th- and 20th-century American art; programs for inner-city youth; a jazz festival; and support for a youth ballet foundation.

Despite a strong record of support for the arts, the arts endowment has been under attack from critics for the past 18 months over the controversial funding of works which have offended common sense standards of decency. These grants represent a small number of the 86,000 grants made by the NEA in its 25-year history. However, I cannot condone the funding of even minor exceptions to the rule, when this funding results in works or productions which offend public standards of decency or are not sensitive to the beliefs and values of the American public.

This is why I will support the Williams-Coleman substitute today which makes the most basic and substantive reforms to the National Endowment for the Arts in its 25-year history. I can support a reformed NEA, an endowment which is more accountable to the public in its decision-making process and its grant awards.

I believe that these reforms will allow the NEA to get on with its essential business of expanding access to the arts for Americans and enriching the lives of citizens.

Mr. Chairman, I reserve the balance of my time.

Mr. Williams. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. Owens).
Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri. [Mr. COLEMAN.]

Mr. COLEMAN of Missouri. Mr. Chairman, I yield again point out one additional recommendation that would involve a Williams-Colman substitute, because I think the Members ought to start addressing and looking at these issues as they compare the other proposals coming on.

Our application procedures are tightened up. We require a detailed description of what the project is going to do, what they want funded, and the NEA will know what in fact they are being asked to fund.

The conditions of grant awards will continue so that an artist cannot change in midcourse that which he has already presented to the endowment as to what the project will be, and he cannot go off and change it in another direction without approval.

They need to submit these interim reports, and also the money will not be given all up front, all at once, because we feel that by giving two thirds up front and one third after the completion of the project, we maintain some sort of control in the sense that the applicant will follow through with what they have been approved to do.

That is a very important part of the Williams-Colman substitute makes, and which we have provided I think the leadership.

I would also point out that the independent commission I believe also felt that that was a good idea.

The constitution of the advisory council as I said be too broadened. They are going to reflect the diversity of this country. And also there will be a rotating membership so that the same people will not be on these panels year after year, and there will be openness in the creation of records so that the public can see what is going on, and all policy meetings of the National Council for the Arts will be open to the public.

The CHAIRMAN, The gentleman from Montana [Mr. WILLIAMS] has one-half minute remaining.

Mr. WILLIAMS. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, I wish to have this debate closed without making this personal observation. It is unfortunate that there are those who with or without whom have used opposition to the National Endowment for the Arts to trol for money, membership, and votes. This in this country has used the artist Robert Mapplethorpe as this year's Willy Horton, and they do so because they want to divert America's attention from the very real problems that exist in our economy and our society.

Mr. ALEXANDER. Mr. Chairman, I thank you for the opportunity to speak today on authorization of the National Endowment for the Arts [NEA], the National Endowment for the Humanities [NEH], and the Institute of Museum Services [IMS].

These three organizations support education, research, and preservation in the arts and humanities across the United States. Since the first bill providing for such comprehensive assistance was passed 25 years ago, both of the Endowments and the Institute of Museum Services have been instrumental in...
encouraging excellence among American artists, scholars, and historians.

As the author of legislation that has fully funded the National Endowment for the Arts, in particular, has raised some controversial questions about the propriety of Federal funding for artistic endeavors.

Mr. Chairman, the NEA simply should not have funded the controversial exhibits of the past year. It was an insensitive and irresponsible decision. Although I did not see these works myself, everything I have seen or heard about them convinces me that they were not worthy of taxpayer support. I want to be clear about this: Our Government has no business funding obscene art.

But I believe that every nation should support the arts, as long as it can be administered wisely. For that reason, I rise in support of the Coleman-Williams amendment.

Let me explain my position.

A quick glance at how the arts have flourished for the past 25 years shows how important Federal support has been. In 1965, before the Endowment was created, only 5 States had art councils. Their funding totaled $22,000. Today, every State and territory has an arts council, with combined legislative funding of over $284 million. The number of professional theaters, dance companies, orchestras, choruses, and opera companies has steadily increased, making musical and theater productions accessible to Americans in small communities as well as large cities.

I'd like to know a lot more when you look at the difference Federal support makes in a State like Arkansas.

In my district of northeast Arkansas, we are far away from the museums and theaters of Washington or New York. But with the help of Federal NEA dollars, we can bring art exhibits to small towns like Wynne, Horseshoe Bend, Earle, Morrilton, or Brinkley. In fact, last year NEA funded exhibits which reached over 30 communities in my district.

During 1990, the NEA provided the Arkansas Arts Council with $418,450. The money funded traveling programs which reached a total of 419,747 people, almost 1 out of every 5 Arkansans.

With Federal money, the arts council also supports traveling exhibits of drawings, prints, and photographs; a traveling children's theater touring company; artist-in-residence programs; and the artmobile, a traveling program for art education.

The director of a local arts council in my district wrote to let me know what projects NEA has underwritten in her community. From January to July of this year, the council presented theater performances to over 5,000 school children in a three-county rural area; taught to local sixth-grade and secondary school art students the basic principles of design through a traveling art education exhibit; helped to develop a ten-weeks-based opera company's presentation of "Little Red Riding Hood" to elementary school students—the only exposure most of these children will ever get to opera; supervised the students in a country writing workshop for local students, and coordinated a 2-month series of arts projects in summer camp programs.

I don't want to suggest that my constituents are not upset about some of the grants NEA has awarded. Indeed, the Endowment's support for artists like Robert Mapplethorpe and AndreSerrano has offended and angered many citizens in my district.

I share their outrage over these grants. Congress needs to listen to these complaints about the NEA and make sure that exhibits like this are not funded again.

To find out more about my constituents' opinions, I questioned over 5,000 people in my district.

When asked to choose between the two options Congress faced last year—to discipline the NEA, or to completely eliminate it—over 70 percent of my constituents elected to discipline the agency and tighten up the grant process, as we did. Almost 80 percent agreed that exposure to the arts is an important part of a young person's overall education. And most of my constituents said they favored a continued Federal role in the arts.

In a letter I recently received, a woman from Jonesboro, AR, summed up the opinion of the majority of my constituents.

The arts in our communities are very important to our quality of life. Many of these activities, such as our community theater, symphony orchestra, and the excellent museum at Arkansas State University would be hard-put for operating funds without the NEA.

Mr. Chairman, the substitute to this bill drafted by Mr. Williams and Mr. Coleman allows towns like Jonesboro to continue offering these programs to young people while addressing the concerns I have about the content of NEA-supported art.

This compromise requires that recipients of NEA grants are accountable to the public. It ensures that if artists violate standards of obscenity that have been established by our courts, they must pay back the full amount of their grants and are ineligible for future awards for at least 3 years.

The compromise requires grant panels to include lay persons in response to charges that only a narrow range of people now sit on the advisory panels.

It also channels additional funds to State and local arts councils, which have a very clear sense of community standards. For example, the Arkansas State Arts Council lets each town evaluate and select the programs it wishes to support and avoids local controversy with this process.

Mr. Chairman, we need to listen to the taxpayers on the issue. In the end, they foot the bill for the Endowment's activities.

The majority of taxpayers that I represent say two things. First, they don't want their money to fund obscene art. And second, they tell me that without Federal support for publicly accepted work, the arts cannot survive in their communities.

I join them today in this responsible approach to the NEA's activities.

Mr. CONYERS. Mr. Chairman, I rise in support of reauthorization of the National Endowment for the Arts. Jazz, a music once deemed indecent and obscene and censored out of America's conscience, continues to live and thrive today. And today, most Americans believe the arts and humanities belong to all the people of the United States and reflect the Nation's rich cultural heritage and foster mutual respect for the diverse beliefs of all persons and groups.

As the sponsor of legislation to raise the Nation's consciousness to the artistic merit of jazz, I urge my colleagues to support reauthorization of the National Endowment for the Arts and take action that will continue implementation of this and other arts forms once deemed indecent and obscene and censored out of America's conscience. That, Mr. Chairman, it is my desire to find out more about my constituents' opinions, I questioned over 5,000 people in my district.

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Mr. HOPKINS. Mr. Chairman, I rise in support of reauthorizing the National Endowment for the Arts and the arts community, and, indeed, is desirable. It is one of the valid, tangible ways for us to ensure and inspire the continued growth of the arts in America.

Look to the future: All signs indicate that there will be a modern renaissance in the visual arts, poetry, dance, theater, and music. Arts may gradually replace sports as the premiere leisure activity.

In fact, an arts explosion is well underway: American museum attendance has increased from 200 million to 500 million annually since 1965; Broadway broke every record in history during the 1980s; operas and performances have nearly tripled since 1970; and Membership in the leading chamber music association grew from 20,000 to 50,000.

A 1988 report calculated that Americans now spend $3.7 billion attending arts events, compared with $2.8 billion spent on sports events.

From 1983-87, arts spending increased 21 percent while sports expenditures decreased 2 percent. Just 50 years ago we were spending twice as much on sports as on the arts.

Promotion of the arts is not an investment in our national culture. It is an investment in economic growth.

Last year, $153 million in NEA funding generated $1.14 billion in private sector funds for the arts. While I support many projects funded by the NEA, there are others such as the Serano and Mapplethorpe that many feel are offensive. I urge continuance of this endeavor which has added to the richness of our culture and celebrated the noblest aspirations of our people.

Ms. SCHNEIDER. Mr. Chairman, it is perhaps fitting that Congress has put off the vote to reauthorize the National Endowment for the Arts until this late. Legislation to extend the NEA’s oblivion as we were about the Kennedy Center grew from 17 to 31 members.

Mr. crane amendment. The so-called Helms amendment prohibiting any grants to fund any project that contains human fetal tissue or the explicit representation of human sexual acts has nearly tripled since 1970. And Membership in the leading chamber music association grew from 20,000 to 50,000.

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have found objectionable—grants that indirectly funded the exhibition of some photographs which, incidentally, no Senator refused to vote against in Congress want to abolish the Endowment. While it does not appear that they have the votes to succeed, a more chilling possibility may be considered, and congressional efforts to restrict what the endowment funds.

These so-called content restrictions have been the focus of church debate this year since Senator Jesse Helms had them inserted into Federal law. Some believe that such funding standards, if not properly considered, could lead to taxpayers' money. Others contend that artistic expression is a form of speech protected by the first amendment, that to restrict such expression is akin to censorship.

In fact, funding standards already exist—the toughest standard of all, artistic excellence. Individual artists and arts organizations are subjected to this test among the 18,000 applications for grants that have been reviewed rigorously three-tiered review process that recommends funding for only the very best projects. In some categories, such as visual artists fellowships, three percent, or less of the applicants are recommended for grants.

While some Congressmen are calling for a ban against obscene art, the facts are: first, obscenity is already against the law; second, disturbing works are removed from libraries and not allowed to be viewed by children; and third, obscenity standards are clearly defined in law and are probably better than those of the National Endowment for the Arts.

Returning the responsibility of determining obscenity to the courts is the basis by which the Senate committee overseeing the Endowment's reauthORIZATION has a plan of action. A recent provision in the 1985 act that provided for a review of the Endowment's granting policies has been translated into a compromise. The legislation enables the Endowment to recoup funds from a grantee whose works have been found to be obscene. The broadest and most significant aspect of the bill is the broad and bipartisan support it received, approved by the committee 15 to 1. In the 18 months since this controversy began, the Seniors seem to have unearnt the largest chunk of middle ground that we have seen. The question now is whether it is big enough to accommodate a majority in the House as well. I hope so.

This week marks Banned Books Week. A time to reflect soberly on the volumes of Twain, Joyce, Shakespeare, Cervantes, and Steinbeck that have been removed from libraries and schools. It is time to recall the words of John F. Kennedy who noted that “a nation that makes the work of its children in an open market is a nation that is afraid of its people.” And it is also a time to resolve that the ideas and works of those with the courage and talent to create new art never be threatened.

Congress should support free speech, not suppress it.

Mr. CHANDLER. Mr. Chairman, I rise today to support the Williams-Coleman amendment. Frankly, I have been outraged by abuses that have occurred with National Endowment for the Arts funding in the past. I spoke last year on this floor to express my anger about some of the obscene trash the American taxpayers have been asked to pay for.

I now believe there is a new sense of accountability at the NEA. All but a tiny minority of the arts community have been acting responsibly. Only a very few have abused the privilege of public support for the arts. In fact, since the NEA was founded 25 years ago, there have been over 85,000 grants awarded. Yet, out of all these thousands of recipients, less than 30 have been controversial. This is a remarkable record of success for artists and one that we can all be proud of.

From big-city orchestras to small-town arts festivals, there is a need for public support of the arts. I applaud NEA officials for exercising caution with works of alleged art that are clearly without artistic merit or value. It is only the few bad incidents that draw public concern in the first place. I believe responsible NEA action represents the kind of oversight and accountability the American people want when we spend taxpayers' money.

And it is the kind of responsible arts funding that the Williams-Coleman amendment would create. I ask my colleagues to join me in adopting this amendment and giving this compromise on NEA funding a chance to work.

Mr. STOKES. Mr. Chairman, I rise today in strong support of H.R. 4825, a bill to reauthorize the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH), and the Institute of Museum Services through fiscal year 1995. This measure will help to ensure the continued, unrestricted growth of the arts and humanities throughout America.

The Endowment was specifically created to support and encourage culture and creativity in America. The House Education and Labor Committee last reauthorized the NEA in 1985. Since the inception of the Endowment in 1965, the Endowment has been a major catalyst in the remarkable growth of musical theaters, professional opera companies, art exhibits, scientific exhibits, museums, and a variety of education programs.

In the sixties, there were only 27 professional opera companies in the United States, performing mostly classic European works with European artists. Today, there are 113 American opera companies and 64 musical theaters, performing original works and using American artists in major roles. Hundreds of thousands of American school children have benefited from another Endowment program—"Poetry Readings in the Classroom." NEH programs, in history, languages and archaeology, have touched the lives of people in hundreds of rural, inner city, tribal, and minority communities throughout our Nation.

The NEA has supported, too, perhaps approximately 85,000 grants to art organizations and individuals. H.R. 4825 does not include content restrictions on the kind of grants that can be made. The Williams-Coleman amendment is reviewed by an independent panel of experts, who use artistic standards in recommending grant awards. Unfortunately, during the last 2 years, the tremendous success of the Endowment has been overshadowed by the debate over one-tenth of 1 percent of the total number of grants. The mere fact that so few works of art have aroused controversy is indicative of the effectiveness of the Endowment system.

Opponents of unrestricted Federal funding for the arts and humanities argue that taxpayers' money should not be spent on art that is offensive. While I too find some works of art to be offensive, I cannot agree with imposing restrictions on art supported by the Endowment. It is clearly censorship for the Federal Government to require the exclusion of some works of art based on its content. To do so would be a trap on constitutionally protected freedoms.

Justice Oliver Wendell Holmes once stated, "it is * * * not free thought for those who hear from thousands of constituents thoughts that we hate" which gives the theory of free expression its most enduring value. Unrestricted funding of the arts and humanities preserves this freedom.

I strongly support the continued, unrestricted use of Federal funds for the arts and humanities. I feel it is important to preserve a climate which encourages free expression. We cannot allow the controversy surrounding a Robert Mapplethorpe or Andres Serrano exhibit to jeopardize the tremendous benefits derived from these programs for millions of Americans.

Mr. Chairman, I urge my colleagues to join me in support of H.R. 4825 and continued, unrestricted Federal funding of the arts and humanities.

Mr. PELOSI. Mr. Chairman, I rise in support of the National Endowment for the Arts (NEA) and in reluctant support of the Williams-Coleman compromise. I strongly believe that the NEA deserves continued Federal support and should not be used as an agent of censorship. Since the arts controversy began, I have heard from thousands of constituents expressing unqualified support for the NEA.

Mr. Chairman, the Federal Government has a responsibility to fund artistic excellence throughout the Nation. In the past, and perhaps even more so today, we have taken the view, a view which I believe is the wrong view, that the Government should not, and cannot, promote art or artists. We have said that the Government as a patron of the arts is powerful and potentially dangerous. But let us not forget that the Government is also a customer of the arts. Taxpayers' money is spent on art. Therefore, we have a responsibility to protect the integrity, the excellence, the freedom of expression of the arts. The NEA is one of the strongest and most effective organizations that protect the integrity of art, and I am very proud to support the NEA.

Mr. Chairman, censorship is dangerous. The framers of the Constitution recognized that freedom of expression is the cornerstone of a free society. The increasing political pressure on arts organizations and museums to monitor the work of their membership and to restrict the work that they exhibit is a disturbing trend. Censorship not only undermines the ability of artists to produce truly creative work, but it also weakens our cultural horizons. The duty of the NEA should be to promote and encourage creativity, not to suppress it or to play big brother to artists.

Unfortunately, the political reality is that we must deal with the Williams-Coleman compromise.

If the Williams-Coleman compromise were to fail, the proponents of censorship would have a stronger opportunity to impose their limiting views on all of us and perhaps
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stated, once the thought of free restrict-

support the NEA is impor-
tant to research, education, and public awareness which are
dependent on the humanities. It is important to remember that only 20 grants out of 85,000 have proven to be controversial and of questionable artistic merit. Even with this small number, I believe many of us know that some restrictions must be implemented to save the NEA. In light of this, I urge my colleagues to support the Williams-Coleman compromise substitute amendment. With this amendment we will preserve and strengthen the NEA and the accountability of the grant process. We will give the states a greater role within the NEA, and we will leave the definition and enforcement of obscenity to the courts—which is where it belongs.

As we vote today let us remember that the NEA enables Americans from all walks of life to experience art—all too often in the form of a dancer on a stage, a picture on a wall, or a work of music or poetry. Let us remember that the NEA is not and has never been about pornography or homoerotic art, it is about educating our country about its past, its present, and its future. Let us remember that the NEA is not about obscenity, it is about freedom of expression, and it is about the principles underlying the freedoms of speech and religion. Let us vote for the NEA. Let us vote for the NEA.
amendments en bloc offered by Mr. Crane. Mr. Chairman, I offer amendment en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. Crane. Beginning on page 2, strike line 13, and all that follows through page 4, and insert the following (and make such technical corrections as may be appropriate):

Sect. 5. Sections 5 and 6 of the National Foundation on the Arts and the Humanities Act of 1966 (42 U.S.C. 844, 845) are repealed—

(1) in paragraph (1) and (4) by striking "and the arts";

(2) in paragraphs (3) and (8) by striking "the arts and";

(3) in paragraph (5) by striking "the practice of art and", and

(4) in paragraph (9) by striking "the arts and"

Sec. 6. (a) Section 2 of the National Foundation on the Arts and the Humanities Act of 1966 (42 U.S.C. 844, 845) is amended—

(1) by striking subsections (c) and (f), and

(2) in subsection (d) by striking (i) by striking "the National Council on the Arts" or, and

(3) by striking "as the case may be,".

(C) in paragraph (2)—
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Mr. CRANE. I offer the following amendment:...
gent delegates, and it was voted down resoundingly by those people who attended the Constitutional Convention in Philadelphia, as beyond the purview of the legitimate functions of the National Government. That is not to say that in the years the Government did not spend money on the arts. The fact of the matter is historically we commissioned paintings, approved by Government, and some of them hang in the rotunda, magnificent pieces of art, the sculpture work on top of the dome, this painting over here of General Lafayette and President Washington. Specific art projects were paid for with public money, but that is not the issue we are talking about today.

We are talking about having created a whole new bureaucracy ostensibly to promote art in this country. The first deviation from that historic rule was when Franklin Delano Roosevelt, up until the New Deal put all the unemployed artists on a welfare payroll, and they then continued to paint, and they were being compensated for that. Then World War II, and it was not until the guns-and-butter era of LBJ when money was no object that finally in 1966, we created the National Endowment for the Arts.

Mr. Chairman, my argument is that, first of all, if we go back historically and recognize that the Founding Fathers who crafted our Constitution that we all hold our hand up and swear to uphold when we take that oath of office, they gave us instruction on this question.

Second, Mr. Chairman, I would argue that the funding of art is not dependent upon Government. Quite the contrary, if we go back to the 1988 funding levels, they made grants of about $150 million through the National Endowment for the Arts, and by contrast, private citizens in this country, contributors of that $5.88 billion, conferred $6.8 billion versus the $150 million distributed by the NEA. It is not a question of whether the arts will be funded. It is a question of the propriety of having the funding come through the vehicle of Government.

We have heard a lot of talk about censorship here. Censorship, for goodness sakes, that is one of the reasons many contemporary artists condemn this whole concept of an NEA. If we looked at the numbers of applicants that come under the purview of that National Council to make their determination upon whom they shall confer a grant, we are talking one out of four being successful enough to get the money. They say, "Oh, yes, but that enables people to get money they are not entitled to." To be sure, but that is a diversion from the other three. And who do we have? The political appointees on that National Council.

Art is in the eye of the beholder, to be sure, and as our colleague from Texas said, the purview of this matter is when you are doing it in the private sector, that is exclusively your determination. If you want to take perversions like the Mappelthorpe exhibit, and I will not go into the specifics because it would violate the decorum of this House if I were to verbally attempt to graphically describe what was contained in it, you're right to spend your money on it if it is unimpaired.

What are we proposing here in no way would have prohibited Mr. Mappelthorpe from doing his thing. That is not the issue here. What we are proposing is a prohibition against the use of involuntarily raised tax dollars for such pornographic obscenity.

There is another concern I have, too, and that is the good-old-boy network that controls the distribution of the money.

Our good colleague, the gentleman from New York (Mr. Wyzans) over here said, and it is a special order the other night, and he was urging all of his New York colleagues to participate, most understandably, because they got roughly $40 million in funding from the NEA that year. Let me contrast that with my home State of Illinois. We only got $5 million at the same time. The State of Ohio, that good friend from Youngstown represents, they got $4.9 million; Texas, the third largest State of the Union, Texas got $4.8 million. Even if we add monstrous California, they only got $14.1 million, and if we take all of those States combined, they are dwarfed by New York. They only got roughly half the funding that New York got. So I can totally understand my colleague from New York. They have got the good-old-boy thing going up there, and they are getting the benefit of this public money.

Let me ask Members of something else. Here we are in our budget struggle at the present time trying to reconcile income and outgo, and we are asking people to suffer. We are asking the seniors, the Medicare beneficiaries, to suffer. We are asking Joe Sixpack to suffer. We are tightening all of these designated belts, and yet if we held the funding levels for the NEA at the current level over the next 5 years, we are talking roughly $1 billion of funding.

It is an economic outrage at a time like this to be squandering limited resources for projects, it is private sector alternatives. It is not either/or. We are not in a situation where if we do not continue the NEA, we are going to see the elimination of art in this country.

Quite the contrary, we will see a flourishing of art again as existed throughout the century into the 20th century through the pre-World War era. During this period some of the most magnificent artists in literature and art work did not receive the benefit of one cent of Government money. We simultaneously eliminate the horrifying prospect of commissioning some artist to do that depiction over there of General Lafayette and have him on that wall depicted stark naked in a compromising position with another male.

That is the sort of thing we are talking about, Mr. Chairman. Mr. Chairman, the question of whether or not the National Endowment for the Arts [NEA] should exist really involves three issues: Constitutionality, necessity, and conscience.

The debate over Government funding for the arts is as old as our Nation. The Constitutional Convention addressed the matter in 1787 when South Carolina's Representative Charles Pinckney proposed that Congress "establish seminaries for the promotion of literature and the arts and sciences." His colleagues soundly defeated the motion because they reasoned, "The granting of patents is the extent of [our] power." One Congressman's comments proved prophetic. John Page of Virginia argued vigorously against the idea warning, "Congress might, like many royal benefactors, misplace their munificence..." * * *

Indeed, there can be no question that the authors of the Constitution did not intend for Government funding of the arts.

I don't think it is going to be the art for Government. Now we must question whether there is a need for Government in the arts. In 1988, $5.8 billion was spent on the advancement of art by the private sector. The $175 million included in today's authorization could be matched almost 40 times over by this fund. This private endeavor has fostered two of the greatest periods in American literature. The careers of Mark Twain, Emily Dickinson, William Faulkner, and F. Scott Fitzgerald, among others, flourished without one penny of Federal money. So not surprisingly, many in today's art community question the need for the NEA.

I'm sure that Richard Moore and his colleagues feel that the money we give to artists is being wasted. It's doing positive harm. An arts bureaucracy has grown up in the last few years to the point where we have to approve the projects, select the judges, and give the right sort of ballyhoo to the recipients. Only mediocrity can destroy art. And in every bureaucracy, mediocrity flourishes.* * *

How can we justify funding the arts while at the same time we threaten to take $50 billion from Medicare? Indeed, how can we do this when we already consider the $2.5 billion they've already received a waste?

Mr. Moore and his colleagues feel that the NEA has suppressed creative genius in favor of lesser artists and projects. It's true. Finite resources necessitate selectivity which, in turn, requires standards. These standards are set by a presidentially appointed National Council. We are given the power to pass the judgment of the people.
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Government automatically discourages the futures of three others.

Mr. Chairman, the evidence is conclusive. History proves that art advancement is not a role intended for Government. Private philanthropy ensures that American art can survive without the NEA. A common sense recog- nizes that Government inevitably will be a censor as long as there is an NEA. Please support Mr. Crane amendment to HR 4825.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I am happy to yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, what did the gentleman mean, that it never received one dime of public tax money? I thought people truly cut the wut were foundations and so forth who had certain tax writeoffs that subsidized art.

Mr. CRANE. To be sure. One can get a deduction for contributions to charity.

Mr. MARLENEE. If the gentleman will yield further, so what we are talking about is a double support with the NEA funds.

Mr. CRANE. We are talking about a double support indirectly, because the first is a revenue loss, to be sure, as the gentleman points out, and the second is, they add money on top of that.

What I am saying is, if we want to permit the greatest flexibility of freedom in promotion of the arts, leave it where it belongs in the private sector, and get Government out of it altogether.

Mr. Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the distinguished gentlemen from Oregon (Mr. AUCOIN). (Mr. AUCOIN asked and was given permission to revise and extend his remarks.)

Mr. AUCOIN. Mr. Chairman, here we have an amendment that would eliminate Federal funding for the Arts and all of the programs the NEA brings to communities across America.

This measure is part of a 10-year effort by the political right to destroy the NEA. The sponsor of this amendment wants the public to think that he is doing something to reduce the Federal deficit, but what he and his allies are really doing is to nickle-and- dime a small but critical program for people in this country while simultaneously voting for hundreds of billions of dollars in an orgy of spending for pet projects which are mostly military.

\(1689\)

The author of this amendment says he will save \$180 million. He would like Members to believe that this is a big number, and it is, except when we compare it with the military megabucks he and his allies have insisted on spending year after year. The gentleman and his friends have voted for \$21/2 billion on the Mad Hatter program called SDI. Millions more for chemical weapons and just weeks ago, our military allies voted against the Frank amendment on vulnerable MX missiles which would have saved \$250 million. That is \$70 million more than the entire NEA budget in its entirety.

The author of this amendment also votes for the Trident nuclear submarine. Let me tell Members about that ship. It is 527 feet long. It costs \$1.32 billion per ship. That works out, my friends, to a million dollar of National Endowment for the Arts. The person who suggested that we should build that ship was branded a radical. But remember, our allies, the French, have a nuclear submarine and are only about 400 feet long. If we are going to build a ship, we should build a small but critical program.

Mr. Chairman, if America can spend trillions of dollars to fund weapons to destroy art, it is equally improper to spend a penny in this bill for the celebration of life through the arts. Defeat the Crane amendment.

Mr. WILLIAMS. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa asked and was given permission to revise and extend his remarks.

Mr. LEACH of Iowa. Mr. Chairman, there are sensible citizens who have every right to question the artistic merit of Government-funded projects, but care should be taken not to confuse censure—the real expression of moral disapproval which is the cherished prerogative of every American—with censorship—a repugnant instinct prohibited by the First Amendment to the Constitution. The role of the NEA is to encourage and ennoble their life and themselves.

As in all fields of human endeavor, mistakes will be made. What is important is to have a policy of free expression in this country. The NEA is making progress in this direction.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LEVINE).

Mr. LEVINE of California asked and was given permission to revise and extend his remarks.

Mr. LEVINE of California. Mr. Chairman, I would like to begin by commending the gentleman from Montana (Mr. WILLIAMS) for his leadership and courage in helping this country to deal with a tricky and sensitive issue, and yet, one which gets to the core of our first amendment rights and first amendment concerns and is a very important issue. In my judgment, the gentleman from Montana has done a superb job, and we all owe him a debt of thanks.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. MARLENEE). (Mr. MARLENEE asked and was given permission to revise and extend his remarks.)

Mr. MARLENEE. Mr. Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Chairman, I reserve the balance of my time.
a renaissance in cultural interest and access to art.

My position, there were 90 professional orchestras in the United States. Now there are over 210. There were 37 professional dance companies. Now there are over 250.

The NEA often targets communities that otherwise would have no access to arts education—funding programs that involve the physically challenged, blind, and the deaf in visual and performing arts.

More than 3 1/2 million children were introduced to art last year through the NEA's Art in Education Program.

We debate today whether Congress should impose restrictive language on NEA grantees.

I say no, absolutely not.

We are here because a small group of self-appointed guardians of American morality have used a few NEA grants to endanger the future of this vital program. They have distorted works of art, misled the public and engaged in a campaign of deception and misinformation.

The right wing has sought to use this issue for its own partisan political purposes, but there really should be no great controversy here.

The NEA does not fund obscene art. It may fund art which some in our society find objectionable. That is something a free society can and must tolerate.

Of the more than 85,000 grants funded by the NEA over 25 years, fewer than 5 have been found to be objectionable.

The NEA has done an excellent job and should be allowed to continue its good work with a minimum of interference from Congress.

The American public shares this view.

More than two-thirds of all Americans strongly agree that Congress should not cut funding of art soley on the basis of its content.

Mr. CRANE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, the issue we are discussing today is not whether the American people spend tax money on. A number of Members are concerned that American taxpayer money has been spent on things that are of low priority.

One of the questions that comes before Members is what has tax money been spent on in the past? The fact is, it has been spent on photographs that many Americans would question whether or not that is what their tax money should go for. It seems to me in the course of this debate, so our colleagues can understand what we have before us, we probably ought to show some of those pictures that the taxpayers have paid for on this floor, so that we can begin to understand the nature of what the taxpayer has been paying for.

Mr. CRANE. Mr. Chairman, if the gentleman does not have any objection, I would like to submit some pictures for the record.

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, am I permitted to show such photographs on the House floor?

The CHAIRMAN. The gentleman will state it.

Mr. CRANE. Mr. Chairman, if the gentleman does not have any objection, I would like to submit some pictures for the record. They have distorted works of art, misled the public and engaged in a campaign of deception and misinformation.

Mr. WALKER. Mr. Chairman, I have a further parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, how are we going to make that determination in reference with the decorum of the House?

The CHAIRMAN. The Chair would not entertain any exhibits in this debate.

Mr. WALKER. So in other words, Mr. Chairman, I have a picture here that shows a group of pictures that is in a bowl. That is a picture which I cannot show on the House floor because it would disturb the decorum of the House.

The CHAIRMAN. Mr. Chairman, the Chair is not going to make a distinction, and because this could be a controversial and volatile issue, the Chair has decided under the rule to allow no exhibits during this debate.

Mr. WALKER. Well, Mr. Chairman, a further parliamentary inquiry. On the occasions on this floor, we have allowed pictures to be shown out here, pictures of war and carnage and all kinds of things. Are we suggesting that those pictures are no longer going to be permitted on the floor either, that the Members do not have the right to freedom of expression of the House? In regard to these matters?

The CHAIRMAN. The gentleman refers to other debates. The standard the Chair has announced applies to this debate, when the issue of decorum has been raised, and the Chair intends to enforce a standard that no exhibits be displayed today, and this is a responsibility which the Chair understands after a discussion with the Speaker.

Mr. YATES. Mr. Chairman, I have a further parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. YATES. Mr. Chairman, if this coming out of the gentleman's time? The CHAIRMAN. No. The Chair is trying to make sure that we have a clear ruling on this particular case and will allow liberal time.

Mr. CRANE. Mr. Chairman, may I make a further parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. CRANE. Mr. Chairman, if the gentleman cannot show the photographs in one of the collections that was funded, is it permissible for him graphically to describe the content of photographs from the well?

The CHAIRMAN. The gentleman may in his time limitation describe whatever he sees fit, and the Chair will rule appropriately.

Mr. WALKER. I thank the Chair.

Mr. CRANE. Mr. Chairman, it now becomes clear that in this taxpayer-supported institution—

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CRANE. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. WALKER. Mr. Chairman, it becomes clear that in this taxpayer-supported institution there are, in fact, limits on freedom of expression. You cannot post any kind of pictures in the Chamber, that in fact there are limitations under which we are forced to live.

Now, the question is whether or not taxpayers' supported institutions in other places should have those kinds of limitations.

All the gentleman from California will suggest later on is that indeed we can have those kinds of restrictions.

The gentleman from Illinois raises another point, though, and that is whether or not the taxpayers ought to be forced to pay for things which are totally obscene in their view. It is not a question whether they are obscene in their view after all; it is whether or not some liberal member of the House of Representatives finds them all right. It is a question of whether or not tax money should be forced away from hard-working Americans in order to pay for things which they regard as very obscene.

I think it is clear from just this dialog on the House floor, there is a right under the Constitution to provide limits, and we ought to do so here also.

Mr. WILLIAMS. Mr. Chairman, I yield myself 30 seconds.

Of course, there are restrictions to freedom of full expression. Of course, there are rules and regulations that everyone, including the Members of the House, have to follow.

The National Endowment for the Arts has a criteria which if applied to this House would limit debate. The National Endowment for the Arts has a criteria for funding the arts that is based only on excellence and quality. If we applied that same criteria to the
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from Illinois is objecting to spending $175 million to fund opera and ballet and dance and theater throughout America.

Mr. Chairman, I hope Congress rejects the amendment.

Mr. CRANE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. SHUMWAY).

Shumway asked and was given permission to revise and extend his remarks.

Mr. SHUMWAY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this legislation and in support of the gentleman’s amendment. In light of our alarming budget deficit, as well as our somewhat embarrassing inability to develop meaningful solutions, what is the Federal Government doing by making the so-called Privatization of Art Act? I believe that the National Endowment for the Arts (NEA) should be eliminated. Coincidentally, I have brought to my desk the most recent issue of Policy Review. On page 36 is an article entitled “Abolish the NEA,” which contains a quote that says it all:

The distribution of grant money to a chosen few assumes a wisdom that government does not possess, and affords it powers that it does not deserve.

Earlier this year, I had the opportunity to present testimony concerning the National Endowment for the Arts. It is clear to me that not only is a violation of free speech, that is outright censorship.

Let me point out to the gentleman for Pennsylvania, that is exactly what the one said to the Congressmen. They insisted that not only the so-called raunchy pictures of Mapleton are shown, not the pictures of irises in the bowl; he would also be showing the other pictures, which are disturbing.

Mr. WALKER. Mr. Chairman, if the gentleman will yield, how does the Distribution Committee get involved in the NEA, which has become an emotional and volatile issue? I stated then and will reiterate now that I am strongly committed to first amendment rights; I do not believe in censorship. Painters, writers, poets, sculptors and other artists should be perfectly free to create; our form of government will not tolerate any restriction of creative expression. However, I also believe that scarce Federal dollars must be prudently prioritized. In my book many ways this debate is not about censorship or pornography. It is about the existence of the National Endowment for the Arts, and at least the gentleman from Illinois confronts that directly.

I believe that the money used is the people’s money, the strings attached to the NEA, which has become an emotional and volatile issue. I stated then and will reiterate now that I am strongly committed to first amendment rights; I do not believe in censorship. Painters, writers, poets, sculptors and other artists should be perfectly free to create; our form of government will not tolerate any restriction of creative expression. However, I also believe that scarce Federal dollars must be prudently prioritized. In my book many ways this debate is not about censorship or pornography. It is about the existence of the National Endowment for the Arts, and at least the gentleman from Illinois confronts that directly.

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Lest anybody think that we spend an awful lot of taxpayer money on the National Endowment for the Arts, I would just like to give you a little footnote here. The authorization is for approximately $135 million, and while in the abstract that sounds like a lot of money, you know that it all across America to thousands of little communities.

By contract, this Government, this President and this Congress, have appropriated $203 million for military bands. That is military musicians, people in the Pentagon who in uniform perform at a variety of civic functions all over America. I do not mean to say that is a waste of money.

Some of the finest musicians in our country are in the military bands, but just think about it. In the Pentagon, you can get $203 million appropriated for military music, and the gentleman
Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. HERTEL. I yield to the gentleman from California.

Mr. ROHRABACHER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman mentioned $600 hammers. Would he correct these circumstances in the Department of Defense. We do correct them here also. We are correcting them today with the Williams amendment.

Mr. CRANE. Mr. Chairman, I yield 1 minute to our distinguished colleague the gentleman from Texas (Mr. ARMEY).

(Mr. ARMEY was asked and was given permission to revise and extend his remarks.)

Mr. ARMEY. I thank the gentleman for yielding.

Let me set right to the point of the matter: Both the gentleman from Montana (Mr. WILLIAMS) and myself and all who believe in freedom of expression for artists, we oppose Government censorship and regulation of the arts.

The gentleman from Montana proposes that we reauthorize the National Endowment for the Arts under stricter regulations with respect to the manner in which the expenditures will be given. I argue that we ought not have a Federal Government agency that decides what is or what is not art worthy of funding with taxpayer dollars.

His rebuttal to me is that I want to deregulate. Case closed. Vote yes for the amendment if you believe in freedom of expression for artists.

Mr. WILLIAMS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WAXMAN).

(Mr. WEISS asked and was given permission to revise and extend his remarks.)

Mr. WEISS. Mr. Chairman, I rise in opposition to the Crane amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by Representative CRANE. This amendment seeks to end Federal funding for art and culture in America by abolishing the National Endowment for the Arts (NEA). Eliminating the NEA would deprive millions of Americans, rich and poor, urban and rural, of the many artistic and cultural programs that this agency makes possible.

Our constituents recognize the merits of Government subsidy for the arts. In a recent nationwide poll, 68 percent of the American public gave strong support for Government funding of arts. Those people want the NEA to continue to preserve the cultural heritage of the United States, make the arts available to millions who might otherwise not enjoy them, and foster creativity in our society.

Remarkably, three out of the four of this year’s nominees in the “Best Play” category, including the winner, were developed at NEA funded nonprofit theaters. So were the last 11 Pulitzer Prize winning plays.

When the National Endowment for the Arts was founded in 1965, there were 100 local art agencies; now there are over 2,000. In 1965 there was one full-time professional chorus in the country, 60 professional orchestras, 37 professional dance companies, and 56 nonprofit professional theaters. Now there are at least 57 professional choruses, 210 orchestras, 250 dance companies, and 400 theaters eligible for endowment support. The audience for all of these activities has grown exponentially.

Also, funds given by the endowment generate sizable donations from private sources. According to the New York Times, $119 million in grants made by the NEA in 1968 encouraged private contributions of $3.1 billion more.

Without NEA encouragement much of that money would not be contributed.

Certainly, the Government, through the NEA, supports projects that would not get the attention they deserve if left to the public money. For instance, the NEA funds hundreds of educational projects and projects that increase the access to art for inner-city and rural areas. The private sector might not do this as readily on its own.

Abolishing the NEA would eliminate national coordination of arts funding. From its broad national perspective the NEA can coordinate Government funding with the development of artistic programs and projects, and the growth of institutions throughout the country.

Abolishing the NEA would not save us much money either. Its 1991 appropriation totals $180 million. Aggregate Federal spending on culture this year comprises just one-half of 1 percent of the $1.23 trillion budget.

We have an agency that has successfully subsidized the arts in our country for the last 25 years. I strongly urge defeat of the Crane amendment and support H.R. 4825 unamended. Let’s not let one or two controversial grants define our national attitude toward art, culture, and education.

Mr. WILLIAMS. Mr. Chairman, I reserve the balance of my time.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 2/3 minutes to the gentleman from Iowa (Mr. GRANDY).

(Mr. GRANDY asked and was given permission to revise and extend his remarks.)

Mr. GRANDY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, the gentleman from Illinois (Mr. CRANE asked me to support his amendment. I do not support his amendment. But I do support what he is trying to do to this debate. He is trying to purify it and purge it of all of the content restrictions that involve this debate, let alone our legislation before us.

We are debating whether to defund or fund. Why reform the arts? Let’s bring this down to a macro level and let us hear the comments of my friend, the gentleman from Texas (Mr. ANSLEY).

This is a letter from a professor at Waldorf College in Forest City, IA, about 2,800 people. She writes a follow:

I am a college art professor who has personally benefited from the National Endowment for the Arts. It helps many fellow artists full time. If you could not find the art in the public library, you could not see the art in the library. As an example, the only way to resolve the debate is to go back to basics,
consider what is essential in this Government—and that is what our defense budget is—and maybe revisit this next year.

The reason I am going to vote to support the Crane amendment is that I find myself in the position for the coming fiscal year, we just can’t afford to spend taxpayer money on special interest or corporate welfare programs that do not address a clear national need. In short, again, Mr. Chairman, the NEA is a luxury we simply can’t afford at this time. This is especially true when liberals in this Chamber are so eager to raise taxes. In my view, if this Congress would only start doing what it was elected to do and eliminate all unnecessary programs however pleasant sounding and curb waste and fraud, then a tax increase would not be necessary. Indeed, again, there are a host of programs that could be terminated to start us on our way towards a balanced budget, including, but not limited to: The Rural Electrification Administration, the Farmers Home Administration, Amtrak, Urban Development Action Grants, and yes, the National Endowment for the Arts.

It is incredible, Mr. Chairman, that given our precarious fiscal situation the liberal-left is fighting to keep billions of dollars on a totally unnecessary program. At a time when we should be going out of our way to eliminate programs that have run their course in this Chamber is going out of its way to save every single program, regardless of merit. Doesn’t that strike anybody else here as a little silly? Why want to be the one to tell the American people that their taxes are going to be raised to pay for programs like the NEA, especially with its current image, whether warranted or not.

The country does not need the NEA, Mr. Chairman. Moreover, I submit the American people would not miss the NEA. And when you consider that two famous paintings recently sold at auction for more than the entire annual NEA budget you have to wonder just how important this funding is to the arts community. I know Mr. Frohmayer says otherwise, and he has spent a lot of time trying to convince Members that this money is the life blood of the arts community. But he hasn’t convinced me.

Now I would like to address the cultural aspects of my opposition to the NEA reauthorization. At this point let me say that I do not accept judgments lightly. I am a member of the Congressional Arts Caucus. I come from a family with a background in the theatre and music. I have been acting and musicals, and all with a love of Shakespeare beyond any other artistic expression. So I think I understand and have an appreciation for the arts.

The problem is not the peer review process, as some of my colleagues claim, or some other institutional flaw within the system. It is the political nature of the arts community in general to those few times the process results in an Andres Serrano or Robert Mapplethorpe. If the NEA had said of Serrano and Mapplethorpe, “Oops. Sorry. We made a mistake. It won’t happen again,” and if the arts community had said, “Serrano’s blasphemy against the crucified Christ and Mapplethorpe’s homoerotic photographs and child pornography are garbage which should never have been funded,” then I am sure we would not be going through this exercise.

But the simple solution of decrying the Serrano and Mapplethorpe outrages, turned both of them into heroes, martyrs of the first amendment. Quite frankly, if that is the attitude of the arts community then I don’t think they deserve a dime of the taxpayer’s money. Serrano’s loathsome picture of Christ was both blasphemous and bigoted. The controversial Mapplethorpe photographs were clearly pornographic, as in child pornography. For the arts community to claim otherwise just illustrates how cutoff they are from traditional American values. But the arts community did more than defend this so-called art, they demanded that the taxpayer continue to fork over money to pay for it—with no strings attached. Talk about arrogance.

Illustrative of this attitude is the case of one Joseph Papp, producer, New York Shakespeare Festival, the Public Theater. Mr. Papp wanted $50,000 in taxpayer money for his Latin Festival, but was not sure if he should accept NEA guidelines as a condition of funding. In a letter to NEA Chairman Frohmayer, Mr. Papp wrote, “If the arts community wants to participate in this particular situation and asked plaintively: “Is this a dilemma, or isn’t it?”

Frankly, I see no dilemma at all. Mr. Papp was asking to be a recipient of Federal money. Take colleges and universities. Since Congress passed the Grove City bill, colleges and universities are not entitled to Federal money if they exist “discrimination” in any of its programs. Restrictions also apply at the Defense Department. For instance, we do not allow manufacturers of fighter jet aircraft to receive Government money to train Government what alone consider the best fighter plane. No indeed. Manufacturers are given specific design instructions concerning the number of engines, cockpit positions, speed, etc. We always hear that Congress is not full of art critics. Well it is not full of aeronautical engineers or rocket scientists either, but that doesn’t prevent Congress from exercising its duty to provide guidance and accountability for how the taxpayers money is spent on those programs.

As my friend and colleague Henry Hyde noted in his excellent article entitled “The Culture War,” which appeared in the National Review, “Public funds, in a democracy, are to be spent for public purposes, not for the satisfaction of individuals aesthetic impulses. A taste for art is not part of a job that work which is paipably offensive to the sensibilities of a significant proportion of the public. Upon that work ought not to be supported by public funds.”

I ask my colleagues, what could be a simpler or more reasonable formulation? Why does the arts community claim it is somehow exempt from the strings the Federal Government attaches to all other Federal programs? We have turned some NEA recipients into nothing but a class of artistic welfare queens.

So I wrote Mr. Frohmayer and told him that he should tell Mr. Papp in no uncertain terms that he has no right to be handout taxpayer money of the taxpayer. If he want the privilege of a Government subsidy, he has to play by the rules set down by the people’s representatives. I said to suggest to Mr. Papp that if his artistic and moral sensibilities have been so contaminated by the “culture wars,” then in this case the arts community that he cannot, as he put it, “decide what others consider obscene,” then he should not accept the grant. Indeed, if he...
is that out of touch with traditional American values Mr. Frohnmayer should not have waited for Papp to refuse the grant, which he eventually did, he should have withdrawn it. In that case, what he would have done would have been the vast majority of people all over the country do, fund his production privately. If his festival has any merit, that should be a relatively easy task.

There is also a strain of thought running through this debate, Mr. Chairman, that obs- scene, blasphemous, or bigoted art does us or our culture no harm. Any offense art—no- long as it is offensive to Judeo-Christian values—is excused in a headlong rush to promo- te "diversity," as if that were the sole goal of artistic expression. Let me quote Irving Kris- tolf on this point.

"What reason is there to think that anyone was ever corrupted by a book?" asks Kristol.

This question, oddly enough, is asked by the very same people who seem convinced that advertisements in magazines or dis- plays of violence on television do indeed have the power to corrupt. If you believe that, it is sure you also believe that no one was ever improved by a book (or a play or a movie), and that it is simply a matter of definition, in other words, that all art is morally trivial. * * * No one, not even a university professor, really believes that.

It is clear, Mr. Chairman, that America is en- gaged in a kulturkampf, or culture war. From flag burning to abortion to capital punishment to public funding for the arts, America is strug- gling to define its moral and ethical founda- tions. On one side are the moral relativists, whose philosophy can be summed up with the credo "It feels good, so it is a philosophy- based on nothing more substantial than whim and fancy. On the other side are those who find their moral direction in the Judeo-Chris- tian tradition.

The moral relativists have led this country to excuse—indeed sanction—drug abuse, sodomy, casual sex and its concomitant dis- eases, abortion-on-demand for any reason, and a host of other acts the traditional com- munity has always deemed immoral. It is hard for them to see how our culture has progressed by tolerating such immoral, indeed barbarous, acts.

Regarding the dangers of moral relativism, Paul Johnson wrote in The Dictionary of the Age, "... in our age of formal relativism, the rules of taxation are no longer, in most cases, what we, the people, consider right. The budget that we believe to be optimized, and direct, and I appreciate his candor and bringing it to the attention of the body. Although I do oppose it vigor- ously because the NEA has provided access to everybody in this country to the arts, not only the wealthy, not only the elite, but to each and every citizen, people in the inner cities and in the rural areas. This is the only oppor- tunity many of them have for art appreciation. It is an extension of the culture of the country, and it is something that we ought to continue.

Mr. Chairman, I respectfully oppose the gentleman from Illinois' amendment, and I yield back the balance of my time.

Mr. CRANE. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. Duncan].

Mr. DUNCAN asked and was given permission to revise and extend his remarks.

Mr. DUNCAN. Mr. Chairman, because our Nation is broke and almost $3 trillion in debt, I rise to support the Crane amendment.

I rise in support of the Crane amendment. This bill authorizes almost $1 billion for the NEA over the next 5 years. Our Nation simply cannot afford this expenditure at this time. Our budget has been balanced and the Nation is broke and almost $3 trillion in debt. We cannot afford these expenses. We do not buy expensive works of art or attend high-priced performances, even though it might be予以。Instead, a family in very poor fi- nancial condition spends its money on the basics—like food, clothing, shelter, and medi- cal care.

This is the situation our Nation finds itself in today. We must limit ourselves to the basic necessities of our Nation so that our Nation will soon drown in a sea of debt.

Two days ago, syndicated columnist James K. jilpatrick, in a column which ran in several newspapers, said this concerning our Federal budget:

"The budget is larded with fat. It ises fat. Given the awesome prospect of monstrous deficits, it is just not possible for every expenditure to be a worthy investment. What is the most unreasonable expenditure? It is not a matter of budget priorities. It is a matter of budget constraints. I am concerned about the Federal budget needs which are not covered.

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go broke. Year by year, that is where Congress is liking to now.

This is why, even though I have many good friends who are leaders in the arts community, I must oppose the amendment by the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. Hancock].

(Mr. Hancock asked and was given permission to revise and extend his remarks.)

Mr. HANCOCK. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Illinois.

Mr. Chairman, while I also object to the scandalous and unapologetic record of the NEA in funding obscene, sacrilegious, and offensive projects, my main objection to continued funding of the NEA are primarily economic ones.

It is my belief that the NEA represents a growing arts bureaucracy which is draining vital resources in this time of budget crisis. It is just one more example of wasteful spending that needs to be cut in order to bring our budget in line.

In 1965 Congress created the National Foundation for the Arts and the Humanities and appropriated $2.6 million in funding. In the intervening years, the arts bureaucracy has grown and expanded at an incredible rate. Today we have four separate Federal agencies that have spun off that original program—they are the National Council for the Humanities, the National Endowment for the Humanities, the National Council for the Arts, and the National Endowment for the Arts, or the NEA.

The funding for the NEA alone last year was in excess of $171 million—an increase of 6,840 percent—or 274 percent per year.

But that is not all—we have seen countless spinoffs at the State level with State arts councils consuming more and more of the taxpayers' money.

Let me take a look at that arts bureaucracy up close. How efficient an agency is the NEA?

The NEA spends 30 percent of its total budget on management salaries of $3,000 a year. On average, these salaries cost it $1,800; so it is paying $1,500 for what should be $300.

In addition, the NEA actually pays for an employee's salary, which is $30,000 a year, while it is receiving $15,000 from the Treasury Department for its arts programs.

Supervising those almost 300 employees you have to make a management personnel of GM-13 level and above, and 67 supervisory personnel of GS-11 level and above, that's roughly one supervisor for every two employees—just waste.

You would think, it would take less administrative and bureaucratic to give money away than to collect it.

But, let us ask ourselves, in this time of budget crisis, when we are contemplating raising taxes on the American people or cutting the benefits of our senior citizens on Medicare, can we really afford to fund these kind of wasteful and nonessential programs.

I do not have anything against art. I believe it is important. But the union will survive, and so will the arts community, if we shut down the NEA.

Private funds account for 97 percent of the money spent on the arts in this country. Surely the American people will make up the other 3 percent for those worthy art projects out there that now depend upon the NEA. I'm confident that will be the case.

We cannot afford to do anything we want to do. We have got to start making choices and eliminate everything that is not absolutely necessary.

We must start cutting somewhere. If we cannot cut spending here, on this item, I don't see how we can ever eliminate billions of dollars.

Mr. CRANE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. Vucanovich].

(Mrs. Vucanovich asked and was given permission to revise and extend her remarks.)

Mr. VUCANOVICE. Mr. Chairman, I thank the gentleman for yielding.

Mr. CRANE. Mr. Chairman, I rise in strong support of the Crane amendment.

Mr. Chairman, I will vote in favor of the Crane amendment. HR. 4825. This amendment would abolish the National Endowment of Arts.

This was not an easy decision, yet it was an easy decision to make. Our nation's budget deficit has grown to an unacceptable level. During this time of fiscal crisis, it is essential that we make choices that will cut spending. And it is essential that we keep our government's spending important for our country's welfare.

In doing so, I simply cannot put the authorization of the arts in the same category as providing Medicare for the elderly or ensuring our country's defense.

When speaking on this issue, other Members of Congress have shown their distaste for certain federally subsidized exhibits. While I may share their concern about the content of the projects, I do not believe that it is a matter of censorship, but simply a question of appropriate use of the taxpayers' dollars.

Personally, I am a great supporter of the arts. I have supported many organizations within my district which provide us with the joy of music, heritage, and culture, to name a few. Private donations and endorsements certainly are paramount to the existence of the arts and humanities; now and in the future. The $175 million lost in public funds could easily be recovered by the public sector: people like you and me.

Currently the private sector spends about $7 billion on arts advancement each year.

During this time of financial constraint, however, we must examine our programs and cut those which are not essential to our legitimate enterprise, which is the arts in the United States.

Mr. WILLIAMS. Mr. Chairman, I reserve the remainder of my time for revisions.

Mr. CRANE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think we have already heard the arguments, and I would argue that the presentation of the gentleman from Iowa [Mr. Grundy] represents the logical alternative. I say to my colleagues, you can continue to fund without government guidelines and restrictions, or you recognize that this is not a function of the National Government.

Mr. Chairman, one of the representatives from Virginia at the Constitutional Convention said this about Government funding of the arts:

"Congress might, like many loyal benefactors, misplace their munificence and neglect a much greater genius of another."

That already exists with the creation of the NEA. As I said, three people making requests get turned down for every four who get accepted, and there is a misallocation of resources in terms of how that money is distributed to the States.

Mr. Chairman, I would urge my colleagues to support my amendment.

Mr. WILLIAMS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, make no mistake about it. This vote is to kill the NEA in this country and in our States and districts.
Congressional Record - House

Not many blocks from this Chamber is a monument that is now simply called the wall. Americans of all ages and races come by the thousands to that remarkable spot each and every day, no matter rain or snow; mindful of patriotism they come. We have forgotten now that the Vietnam War was at first controversial when the NEA first funded it.

Out in the State of Montana, out in eastern Montana, there is a high point of the country one could hardly find. Yet, go to watch Shakespeare in the sunset. Jim Butte, around that is now simply a description of all activities undertaken by such recipient to promote or carry out each approved project, production, workshop, or program for which such assistance was received; and

(2) a videotape or photographs of such activities.

(4) None of the funds available to carry out this section may be used to promote, distribute, disseminate, or produce material that is offensive to the moral sentiments of the public, tabloid, or to objects of a peculiar nature.

No blocks from this Chamber is a monument that is now simply called the wall. Americans of all ages and races come by the thousands to that remarkable spot each and every day, no matter rain or snow; mindful of patriotism they come. We have forgotten now that the Vietnam War was at first controversial when the NEA first funded it.

Mr. Chairman, I say to my colleagues, "You look east into the Dakotas, south into Wyoming, into the Big Horn Mountains, you look north into the northern Cheyenne Indian Reservation. People come to watch Shakespeare in Montana! And in one of the most lightly populated places in this country!"

Do not vote for the amendment of the gentleman from Illinois (Mr. CRANE). Do not vote to end the opportunity for people to continue to visit the Vietnam Wall funded by the NEA and go to Poker Jim Butte to watch Shakespeare in Montana.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Illinois (Mr. CRANE).

The question was taken; and the Chairman announced that the noes appeared to have it.

The CHAIRMAN. The Clerk will announce as above recorded.

Mr. Chairman, I offer amendments en bloc.

Mr. ROHRABACHER. Mr. Chairman, I offer amendments en bloc. The Chairman, Mr. Stangeland will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendment No. 2 printed in House Report 101-301.

AMENDMENTS IN BLOCK OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer amendments en bloc. The Chairman, Mr. Stangeland will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

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None of the funds available to carry out this section may be used to promote, distribute, disseminate, or produce material that has the purpose or effect of denigrating an individual, or group of individuals, on the basis of race, sex, handicap, or national origin.

The CHAIRMAN. The gentleman from California [Mr. ROHRABACHER] will be recognized for 15 minutes, and the gentleman from Montana [Mr. WILKES] will be recognized for 15 minutes in opposition to the amendment.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri [Mr. COLEMAN] be allowed to control 7½ minutes of my time for the purpose of yielding to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. HENRY. Mr. Chairman, I have an amendment in this regard.

Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, we have heard a lot of talk today and eloquent defenses of freedom of speech, and we have also heard charges of book burning, bigotry, and censorship.

One can believe in the broadest scope of freedom of expression while agreeing that there are limits as to what the Federal Government should or should not subsidize, even when there is not a scarcity of Federal funds. Is it censorship, bigotry and book burning to set standards so that scarce Federal dollars are not wasted on projects that are indistinguishable from hardcore pornography? Is it bigotry, censorship, and book burning to prevent the wide dissemination of the travesties of Jesus Christ shooting heroin?

If there is bigotry, it is the bigotry of so-called liberals who insist on subsidizing pornography and values they intend to savage. In these days, when we have objections to certain scenes placed on city hall, are we told to cut our losses when we hear people talking to us and telling us that it is censorship to subsidize vicious attacks on Christianity? Do we have to subsidize the subversion of Jesus Christ by a bottle ofbourbon it seems like the world has gone crazy.

1720

I, for one, refuse to accept this madness, Mr. Chairman.

The CHAIRMAN. I have offered will prohibit the National Endowment for the Arts from funding works that contain child pornography, obscenity, indecency, or works that attack religion or deprecate the American flag. My amendment is the only amendment that will be offered today that will ensure that the National Endowment for the Arts will spend their dollars, their tax dollars, in a responsible manner.

The first part of my amendment will prohibit the National Endowment for the Arts from funding works that may well violate the Federal law in regard to child pornography. In fact, two of the federally funded Mapletorre shows exhibited include photos of naked children which focused on their genitals.

The NEA also funds in their budget the $122,000 to produce a show which produced Nuestra Luz, a photographic journal which included photographs of naked children, in sexually explicit situations with naked adults.

My amendment would prohibit funding such projects.

Another section provides that the National Endowment for the Arts may not fund obscenity or material which is prohibited from broadcast on television under FCC definition of indecency. Why should we be supporting things or why should we be subsidizing projects that cannot even be shown on network television? The National Endowment for the Arts, even under the leadership of John Frohnmayer, provided $900,000 to produce the Showtime Film Festival which, in turn, showed films such as "Looking for Mr. Penis" and "Blow Job." The "list of NEA-supported Pornography includes Annie Sprinkle and the 1987-88 year. In evidence suggests, the NEA gave the Kitchen Theater over $300,000 which included $600,000 specifically for Annie Sprinkle's show for the 1987-88 season, meaning the season in which Miss Sprinkle performed her live sex show on stage in New York. It also in evidence is testimony of the NEA's first advisory committee, John Fleck, Holly Hughes, Karen Finley, all supported by that grant.

My amendment would prohibit funding of such obscenity and indecency at a time when we cannot afford the essentials, at a time when our Government is going broke.

The third section of my amendment prohibits the NEA from funding works that denigrate the beliefs or objects of any particular religion, and I do not care if it is Christianity or Judaism or any other religion, we have no business spending scarce Federal dollars at a time when we cannot afford to take care of the health needs of our people on anything that attacks somebody's religion.

The NEA provided, through a grantee, a $15,000 fellowship for Andy Serrano, whose works included, the taxpayers' funds, of course, "Piss Christ" and "Piss on Him," and also provided a $15,000 grant to show "Tongues of Flames" which included attacks on the Catholic Church, laced with four-letter words.
If my amendment passes, artists could continue to attack religion. That is what freedom of expression is all about. People have a right to attack somebody else’s religion. But they do not have a right to Federal subsidies and to tax those people whose religion they are attacking to obtain their funds.

Another section provides that the NEA may not fund works which have the purpose or effect of denigrating an individual on the basis of his race, sex, handicap, or national origin.

This section is essentially a codification of current unwritten content restrictions that the NEA peer review panels have enforced quite well.

The fifth part of my amendment says that the NEA may not fund works which desecrate the flag of the United States as defined by the Flag Protection Act of 1989 which I would like to remind my colleagues passed this House by a wide margin.

The NEA, through a subvention, for example, with capital-P, P=, an art show which included so-called, the proper way of displaying the flag. This work was approved to travel on the road. The Supreme Court said its legal to burn and trample the flag and yes we have to put up with such things. I am not here to say that we can assure the taxpayers do not have to pay the bill or buy the matches or buy the lighter fluid for those who want to participate in this kind of expression.

The final section of my amendment provides that the National Endowment for the Arts may not fund any project in which contain any part of an actual and not a statue, but an actual human embryo or fetus. The same degenerate strategy is used to try to make the homosexual wedding of the so-called gay marriage. Artists may still display an aborted baby, or they may try to denominate the hue of love by the way they want, but they cannot expect to have our tax dollars, scarce tax dollars, subsidize this type of denigration of the human body.

The gentleman from Montana (Mr. WILLIAMS) and the gentleman from Missouri (Mr. COLEMAN) are offering a so-called compromise which I do not believe is a compromise at all. They have been on the same side of this issue opposed to content restriction throughout this entire debate for the year. It is a compromise between Members who hold the same belief, a compromise between people on the same side of the table, and it is no compromise at all.

It is my amendment that will set standards so that our tax dollars are not wasted at a time when we are struggling to come up with the funds for essential services. The American people can understand $5,000,000 that goes to someone who is putting a picture of Jesus Christ in a bottle of urine. They know that is waste, and we can do something about it.

My amendment would do something about it.

The Coleman-Williams substitute, gut-the-standard substitute, would prevent us from acting in a way that would prevent our dollars from subsidizing this travesty.

I ask my colleagues for support of my amendment and ask for a rejection of the William-Coleman amendment, the gut-the-standard substitute amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WILLIAMS, Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. LANCasters), who I note was once chair of the State arts council in his great State of North Carolina.

(Mr. LANCASTER asked and was given permission to revise and extend his remarks.)

Mr. LANCASTER: Mr. Chairman, it is very difficult for me to oppose the Rohrabacher amendment, because, like he, and like most Americans, I strongly oppose the funding of art that is obscene with tax dollars.

However, as the former chairman of the North Carolina Arts Council, I am very incensed by this practice, but at the same time, I am a strong supporter of the National Endowment for the Arts, because I know the good that it has done for my State and for the arts community of my State.

Mr. Chairman, I have pledged to my constituents that I will work for passage of legislation that does ensure that obscenity is no longer funded by tax dollars, but you and I—Mr. Chairman, and our colleagues have a higher obligation, and that is the obligation that we took when we swore the oath of office, and that is to defend and protect the Constitution of the United States.

I regret to inform this body, that, in my opinion as an attorney, the Rohrabacher Amendment is unconstitutional and it would be struck down by a court of law if it were enacted.

Mr. HOUGHTON, Mr. Chairman, I stand here to object to the Coleman amendment. In due deference to the gentleman from California (Mr. ROHRABACHER), who I respect, I will oppose the passage of this amendment. Why? Because the NEA is not accountable? Hardy, hardly anyone is in a position in this city. Because it has not and will not continue to make mistakes? Absolutely not. I object to it because the real purpose I believe in this amendment is to cut the heart out of all Federal educational arts support.

The pornography issue is a ruse. The thrust is to eliminate any Government dollars for the arts. No one here wants to support pornography. It is a red herring. It can be and is being handled by the NEA well. As long as people are people, we will always have to keep an eye on it.

The gentleman from Pennsylvania colleagues telling me what the people in my district think. I should do about an area, when they have never even been there. Also, very threatening me and telling me that I am not a good Christian if I do not vote for the Rohrabacher amendment. It is an amendment that says "In God We Trust." and not let someone who claims they have a special line to our Lord.

As the day is growing up, there was no art in this little rural community in which I lived. Nothing. All we listened to was Walter Damrosch on the radio. All my adult life I have tried to bring art and cultural things into this community to make the younger people better off for this wonderful heritage which we have. I resent people who are threatening me. I am going to have to object to that because without it we have nothing.

Let the NEA stand aside everyone in terms of its cute little budget process, but let members not single it out. I object to this amendment.

Mr. ROHRABACHER, Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. ARMSTRONG).

(Mr. ARMSTRONG asked and was given permission to revise and extend his remarks.)

Mr.gehman, Mr. Chairman, I thank the gentleman for yielding time to me. By the perverse logic of this debate, I am going to try to be in agreement with the proponents of continuation of the National Endowment for the Arts because that is what we have just expressed by virtue of the last vote as the will of this Congress.

When we argued that we ought not to continue to authorize this agency, we were said to be deregulating. Well, by that logic, then, the existence of the National Endowment for the Arts then is the existence of an agency that regulates art. I oppose that. Nevertheless, that is what we say we want to do, is let a Federal Government regulate art.

Then we have seen it argued around here that if we seek to deny somebody
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Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CHANDLER].

Mr. CHANDLER asked and was given permission to revise and extend his remarks.

Mr. CHANDLER. Mr. Chairman, last year I supported virtually the same amendment that some of the most enlightened, artistic people in America serving on the panel? Or the terms defined by the Members of Congress in our oversight role? I ask those Members that this is an intrusion, to read the Department of Agriculture regulations, read the regulations by which we define the terms of expenditures of any other agency in this Government, and I say vote yes.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, ever since I learned about the Rohrabacher amendment, something has been bothering me deep inside, and I hope I can express it in 1 minute.

This amendment tries to take back the power of the courts to reject this amendment. If the courts reject this amendment, the expression of art that is being funded in Europe, let Members not build one into the laws. Let Members defeat the amendment, and let Members do it with conviction.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 1 1/4 minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER asked and was given permission to revise and extend his remarks.

Mr. CHANDLER. Mr. Chairman, last year I supported virtually the same amendment that has been designed to protect the right of the arts to be funded by their artists, and this is censorship. This Federal agency called the NEA turned down 13,000 applicants last year. That makes it the greatest censor of art in America.

Now the question is, if we are going to have a Federal Government agency that censors the art world decide who shall receive money and who shall not receive money, and we get the art, what will be the terms by which that regulation will take force, the terms self-defined by the arts community members appointed to the panel? Or the terms defined by the Members of Congress in our oversight role?

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rabacher amendment, which is intentionally vague and badly motivated. Mr. COLEMAN OF Missouri. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in support of this very fair and reasonable amendment by the gentleman from California.

It is important to note that this amendment does not censor anything. It has nothing whatsoever to do with censorship. Artists would still be free to create any type of art they wanted, no matter how obscene or pornographic.

This amendment does prohibit taxpayer funding of child pornography. It would prohibit tax money from being spent on something obscene, something that would be prohibited by the FCC from being broadcast over our airwaves.

It would prohibit Government funds for any art that denigrated a particular religion or someone on the basis of race, sex, something that would be prohibited by the FCC, or race or national origin.

Mr. COLEMAN OF Missouri. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Missouri.

Mr. COLEMAN OF Missouri. Mr. Chairman, I believe the gentleman dropped that out of his amendment. If I am not mistaken, it is no longer in there. Indecency is not in the Rohrabacher amendment.

Mr. DUNCAN. All of these are very reasonable restrictions.

The greatest art that this world has seen has been produced without Government funding. Our Federal Government is broke and almost $3 trillion in debt. We have many needs which are not being met. We certainly do not want to be wasting the taxpayers' hard-earned money on so-called art that is obscene or pornographic, art that probably 99 percent of the people would never buy.

Mr. Chairman, I urge a vote in support of the Rohrabacher amendment.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon (Mr. AvCoIN).

(Mr. AvCoIN asked and was given permission to revise and extend his remarks.)

Mr. AvCoIN. Mr. Chairman, this amendment singles out some isolated controversies and masks itself as being against offensive art, but it is intentionally too sweeping, intentionally too extreme, and intentionally harmful to public art.

This amendment says you cannot denigrate the beliefs of any religion. Who decides that?

Do you know that according to Islamic Fundamentalism it is a sin for a woman to expose the back of her neck? And the people who are Islamic Fundamentalists are we now going to arrest any actress who walks on a stage with her neck uncovered?

This amendment also bans the depiction of human sexual organs. Sound like a good vote to take to the folks back home, Mr. Chairman; but I have here on the table a photograph, which I believe was commissioned by a photograph of Michelangelo's Statue of David. It displays sexual organs. Are we going to say that in the future if the NEA funds an exhibit with the Statue of David, it has to have a jock strap on it?

This is an extreme amendment. It should be defeated.

Mr. COLEMAN OF Missouri. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. HENRY).

Mr. HENRY. Mr. Chairman, I urge a vote in support of the Rohrabacher amendment. This amendment does not censor anything. It has nothing whatsoever to do with censorship. Artists would still be free to create any type of art they wanted, no matter how obscene or pornographic.

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This is an extreme amendment. It should be defeated.

Mr. COLEMAN OF Missouri. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. LEVINE).

Mr. LEVINE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. CENTINELA. This amendment is censorship and extremism, pure and simple. Whatever its intent, it is an effort to intimidate artists in their expression of ideas and their exercise of first amendment rights. In a free and strong society such as ours, nothing including art is dangerous enough to compromise our commitment to the first amendment.

The time has come to send a clear message that Congress will not be intimidated by an amendment such as this or by the zealots from the Moral Majority and the extreme right wing who are pressuring people to support it.

Mr. Chairman, I urge my colleagues to defeat this damaging amendment.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as the case may require.

Mr. Chairman, I oppose the Rohrabacher amendment for a variety of reasons, not the least of which is the gentleman's attempt to restrict, as the gentleman says, denigration of religion. I want to point out to the body that conduct and beliefs dear to one religion may seem the rankest sacrilege to another.

Under the Rohrabacher amendment, I suppose you could not make a drawing of the Ayatollah Khomeini or anybody else of a different religion, because they may be offended by it.

Mr. Chairman, let me point out that one of Missouri's famous artists is Thomas Hart Benton, whose statue is over here in Statuary Hall. In 1936 he was commissioned to do a mural in the Missouri Capitol, and in 1936 the legislators when this was unveiled said, "Whitewash the murals. They are vulgar. Look at those half-naked Americans."

Mr. Chairman, as a member of the State House of Representatives for 4 years, I sat in that hearing room and listened to all of this, and I wondered how on earth Thomas Hart Benton could ever be funded under the Rohrabacher amendment. All Thomas Hart Benton did was try to depict the history of Missouri. Yes, we had slavery. Yes, we had Frankie and Johnny where she shot Johnny because he was off with another woman. You could not do that under the Rohrabacher amendment, because of the way they were of the black race and that might be denigrating of that race.

There are a variety of things that the Rohrabacher amendment will not allow.

Mr. LEVINE of California asked and was given permission to revise and extend his remarks.

Mr. LEVINE. How about the politicians that Thomas Hart Benton used to poke fun of? Are politicians off the table here? We can't denigrate them? This is how absurd the Rohrabacher amendment is. It goes through a whole laundry list of things that Mr. Williams and I, in our substitute bill, believe we can screen out without having to put through the laundry list of things, of the works that he is trying to curtail.

Let me say this about the red herrings: Child pornography is obscene but obscenity is not to be funded under the Williams-Coleman amendment. Therefore, any suggestion that this is the only way to prohibit funding of child pornography is absolutely false.

Mr. ROHRABACHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. BUNNING).

(Mr. BUNNING asked and was given permission to revise and extend his remarks.)
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Mr. BUNNING. Mr. Chairman, I rise in support of the Rohrabacher amendment.

Mr. Chairman, here in Congress, on a regular basis, we must make very difficult decisions on what is appropriate and what is not appropriate in terms of spending the public's money.

And that is not always easy, because each of us here has different priorities. Each of us here represents a district with different needs. So, it is natural that different decisions on spending priorities will always be difficult.

But, in this instance, I cannot believe that there is any other basis for it.

It seems so elementary to me, that the Federal Government cannot and should not be put in a position where it could sponsor or subsidize material which could be considered pornographic or objectionable to a large number of people.

It is not a matter of censorship. This is a matter of sponsorship. The question is: Should the Federal Government use taxpayer funds to subsidize filth? The answer is clearly: No.

I believe in encouraging art. I think it is an appropriate area of Government involvement. I support the National Endowment. My wife is an artist. She doesn't get any money from the NEA but she is an artist. Every year, I sponsor the Congressional Artistic Discovery Contest in my district.

So, I support art. I think it is important to the cultural enrichment of our society.

But, smut does not need a Federal subsidy. Smut does not deserve a Federal subsidy.

And we do a serious disservice to Government officials if we give a blank check to the National Endowment for the Arts.

On one hand, this body, we restrict funding from being used for specific purposes. We should do that now by passing the Rohrabacher amendment and putting appropriate restrictions on NEA funding.

It is not censorship. It is common sense.

Mr. ROHRABACHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. HOLLOWAY).

(MR. HOLLOWAY asked and was given permission to revise and extend his remarks.)

Mr. HOLLOWAY. Mr. Chairman, I rise in support of the Rohrabacher amendment.

Mr. Chairman, it is a privilege for me to stand here today and support this amendment. It does what should be done. It accomplishes what the vast majority of Americans believe should be accomplished. It is the right thing to do—for a lot of reasons.

We in this country, in this House, those in the other body, are facing a fiscal crisis. The chickens are coming home to roost. The Federal Government cannot afford to be everything to everybody. Uncle Sam cannot pay for everything. We should not pay for everything. It is questionable at best, that there is Government funding of the arts generally, in this era of diminished resources, during this time when national landmarks and museums are being closed and workers are being laid off. However, public funding of offensive art is one practice which is unacceptable at all.

We certainly cannot keep using taxpayer dollars to pay for dirt and smut, pure and simple pornography. It is a question of sponsorship, not censorship. Mr. Speaker, we should not try to tell artists what art is. But we certainly don't have to use taxpayer dollars to pay for this type of art. And, including this Congressman, find indecent and obscene. We don't want our hard-earned money used to subsidize smut. It's that simple.

The Rohrabacher amendment, which I support today, would keep the Federal Government from using taxpayer dollars to fund such vile, sacrilegious exhibits. It is high time that we put the brakes on the way we use taxpayer dollars. There is no better place to start than by approving this amendment.

Mr. ROHRABACHER. Mr. Chairman, we have heard that people do not want to be censured here in this body. No one is suggesting that anyone be a censor in this body. What we are saying is that we be held accountable for every dollar tax paid out of our constituents' pockets.

I would rather leave those dollars in their pockets, going towards more essential services that we are struggling to fund right now than for the National Endowment for the Arts. People have said to me: How does this mean about that. I have always admitted that I would prefer that there was no National Endowment for the Arts. And those who want to see art will be subsidized or will not be subsidized would be left in the hands of the American people themselves.

However, if we tax away the dollars from the American people, we owe them, these hard-working people who work diligently for their money, work long hours, to see that those dollars are not channeled to things that those people consider to be immoral or channeled to things that attack their very religion.

If you cannot tell the difference, if you cannot tell the difference between Michelangelo and some of the hard-core pornography that has been funded by the National Endowment for the Arts, one should not be on a Government panel.

I say that if there is a question— and my amendment addresses if there is a question—maybe we should pass on those particular works. It is hard to define what is art and what is not. Yes, but if it is a question of attacking somebody's religion, if it is denigrating Jesus Christ, if it is pornography or child pornography, we should pass on the dollars. And if this bill passes, we will see where there is not a question because there are many, many people who have needs in this society.

I would prefer, actually, for those people who need to be met outside of the artist's community, and let us meet the health needs of our people before we try to fund pictures on the wall. But if we are going to take that money from our people to make those decisions, for goodness sakes, let us inure, let us have standards, and will not be wasted on pornography and sacrilegious artworks.

Mr. WILLIAMS. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN asked and was given permission to revise and extend his remarks.

Mr. ROHRABACHER. Mr. Chairman, I rise against the thought police, the art police, the music police, and the Rohrabacher amendment.

Mr. Chairman, I use this 30 seconds to ask Mr. ROHRABACHER a question. I happen to belong to a faith of people that have 3 million people or so, 6 million people in this country. To many of them, the consumption of pork products, the music of Beethoven, the painting of Michelangelo would be censored by any group that happened to be funded by a grant from the NEA. Mr. ROHRABACHER. That is not answering the question. How about pictures of the slaughters in Chicago. There are several pictures of the slaughters in Chicago. That offends our people? We would ensure that Jews are not pay for everything to be paid for by the NEA. We would ensure that Hindus who do not want to see sacred scriptures of the slaughterhouses in India? Mr. ROHRABACHER. Mr. Chairman, I would ask Mr. WILLIAMS to yield such time as he may consume to the gentleman from New York (Mr. SCHUErer).

(MR. SCHUEER asked and was given permission to revise and extend his remarks.)

Mr. SCHUEER. Mr. Chairman, first, throughout history, there have been those who would suppress the arts, who would denigrate the humanities, all in the name of morality.

But, Mr. Chairman, we have outlawed them. We outlawed their sacrifice. We outlawed the Spanish Inquisition. We outlawed the Nazis. We have outlawed Hitler. We have outlawed the KKK. In this profession, if the bookburners are relegated to history, why would we try to protect the thought police, the art police, the music police, the thought police? If, in fact, this amendment would ban the statue of David, a timeless example of form and beauty. Perhaps all of Michelangelo's work would have been banned. And we wouldn't have had a very good sculpture called the David, because the painter was homosexual.

Mr. Chairman, we have outlawed the artists who made our country what it is. We have outlawed the artists who make our country what it is.

Mr. WILLIAMS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SCHUEER).

Mr. SCHUEER. Mr. Chairman, throughout history, there have been those who would suppress the arts. As we have outlawed the Spanish Inquisition, we have outlawed the Nazis, we have outlawed Hitler, we have outlawed the KKK. In this profession, if the bookburners are relegated to history, why would we try to protect the thought police, the art police, the music police? If, in fact, this amendment would ban the statue of David, a timeless example of form and beauty. Perhaps all of Michelangelo's work would have been banned. And we wouldn't have had a very good sculpture called the David, because the painter was homosexual.

Mr. Chairman, we have outlawed the artists who made our country what it is. We have outlawed the artists who make our country what it is. Therefore, we would have no fine art, no sculpture, no painting. If it is our policy to suppress the arts, we are suppressing those who have given us millions of dollars of our talent. We are suppressing those who have given us millions of dollars of our talent. We are suppressing those who have given us millions of dollars of our talent.
The list of those decisions is long and consistent.

I think it is one of the strong reasons to oppose the Rohrabacher amendment.

Mr. Chairman, I rise in opposition to the Rohrabacher amendment. This amendment, which seeks to restrict the content of art that the National Endowment for the Arts can fund, ignores several critical realities.

First, a majority of our constituents oppose such a proposal. A recent nationwide public view that 61 percent of the American people oppose efforts to restrict the National Endowment for the Arts funding.

Second, we do not need content restrictions. The NEA peer review grant-making process holds a nearly perfect track record; in the NEA's 25-year history, less than 0.1 percent of 64,000 grants awarded have been overturned in any way. It highlights that the NEA's small photographs by the late Robert Mapplethorpe, which were determined by a national to be obscene have caused some to want to censor this extraordinarily successful agency.

Moreover, Congressionally mandated restrictions based on the content of art violate the first amendment guarantee of freedom of expression. The President's bipartisan independent commission came to this conclusion. So did that commission's legal advisers and the Senate Committee on Labor and Human Resources, which reported its NEA reauthorization bill without such restrictions.

The Supreme Court has repeatedly held that the first amendment does not disappear just because the taxpayer's picketing that took place in "Perry versus Sindermann" (1972), the Court stated that "the government may not deny a benefit to a person on a basis that infringes the constitutionally protected interests of the individual, even if those interests are generally deemed "personal.""

Mr. Chairman, this amendment is an assault on the ability to make intelligent personal choices. It is an attack on our right to decide what we view as acceptable culture. It is a vicious attempt for a few to rule the tastes and prerogatives of many. It is a clear effort to create a compact, lifeless, sterile version of humanity. It ignores mankind's historical love and support for the arts. It is an effort born of pure cynicism. It must be defeated soundly.

Mr. WILLIAMS. Mr. Chairman, I yield 20 seconds to the gentleman from New York, [Mr. Weiss].

[Mr. WEISS asked and was given permission to revise and extend his remarks.]

Mr. WEISS. Mr. Chairman, Mr. ROHRABACHER suggests that in the name of accountability you can deny people's first amendment rights.

The Supreme Court has repeatedly held that the first amendment does not disappear just because the taxpayers pick up the tab. In a unanimous opinion in 1983, Chief Justice William Rehnquist wrote, "Neither by subsidy nor penalty may the Government aim at the suppression of dangerous ideas, a list of decision long and constant."

Further, the Rohrabacher amendment is unconstitutional because it would have the NEA make the obscenity determination, and not the courts. This would deprive opponents of the right to due process rights. Also, these content restrictions impose a national standard for obscenity, while the Supreme Court has said community standards must be applied.

Obviously, the Government must exercise some control over publicly funded art; some accountability is required. The quality of the art, however, and not political palatability, must be the determining factor. In a free society, a government may not purchase artistic orthodoxy by the stroke of the sword nor by the power of the purse.

As Representatives of the people, we must be responsive to the desires of the people and respect the integrity of the Constitution. I, therefore, urge my colleagues to oppose the Rohrabacher amendment and support H.R. 4825 as reported by committee.

Mr. WILLIAMS. Mr. Chairman, yield myself the remaining time.

Mr. Chairman, I strongly urge my colleagues to vote "no" on Rohrabacher. I am very hopeful that if and when this amendment is defeated, it will end the rightwing fling with intolerance.

Mr. Chairman, if the Rohrabacher amendment is adopted, the flag series by Jasper Johns which defaces the American flag could not be funded by the NEA; a theater production of the "Merchant of Venice," which denigrates a religion, could not be funded by the NEA; nor could the Broadway show "Chorus Line" be funded and shown again because it has indirect references to homosexuality.

D.W. Griffith's classic film "Birth of a Nation" and the American flag could not be funded by the NEA.

Mr. Chairman, I rise today to express my profound opposition to the amendment offered by the gentle man from California [Mr. ROHRABACHER], which would impose significant restrictions on National Endowment for the Arts funding for the arts.

Under this pernicious amendment, works designated as embodying child pornography, obscenity, and indecency, religious, racial, sexual, national, defacement, or flag desecration for any and all purposes would be ineligible for NEA funding.

Mr. Chairman, I strongly urge the House to vote against portions of this amendment which would denigrate religious, racial, and sexual minorities.

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Mr. Chairman, I strongly urge the House to vote against portions of this amendment which would denigrate religious, racial, and sexual minorities.
Mr. Chairman, I inadvertently voted "no" on the Rohrabacher amendment to H.R. 4025. I voted "aye". Mr. Chairman, I inadvertently voted "no" on the Rohrabacher amendment to H.R. 4025. I voted "aye". Support the goal of the amendment to ensure that Federal funds are not used to finance obscene art, or art that is otherwise offensive to the general public.
make people of all backgrounds and wherever located masters of their technology and not mere servants.

(b) It is necessary and appropriate for the Federal Government to complement, supplement, and support the efforts of the American people and their organizations. In doing so, the Federal Government must be sensitive to the nature of public sponsorship. Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public money. Such funding should contribute to public support and confidence in the use of taxpayer funds. Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines.

(c) The arts and the humanities reflect the high place accorded by the American people to the nation's rich cultural heritage and to the fostering of mutual respect for the diverse beliefs and values of all persons and groups.

(d) The practice of art and the study of the humanities require constant dedication and devotion. While no government can call artists or scholars into existence, it is necessarily a function for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, but the material conditions facilitating the release of this creative talent.

(e) The world leadership which has come to the United States cannot rest solely upon superior power, weapons, and technology, but must be solidly founded upon worldwide respect and admiration for the Nation's high qualities as a leader in the realm of ideas and of the spirit.

(f) Americans should receive in school, based education in appreciation of the arts and humanities to enable them to recognize and appreciate the aesthetic dimensions of our lives; and to achieve artistic excellence that comprises our cultural heritage, and artistic and scholarly expression.

(g) 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.

(h) 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.

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

Sec. 2. 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 communities of this country," after "forms," and

(2) by adding at the end the following:

"such local arts agency means a community organization, or an agency of local government, that primarily provides financial assistance to, or other programs for, a variety of artists and arts organizations for the benefit of the community as a whole;"

(b) 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 become an artistically and institutionally to broaden public access to the arts in rural and inerest in the arts in areas and other areas that are underserved artistically.

(c) 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,"

(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(c)" and inserting "sections 5(d), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z) of this Act.

(d) No payment shall be made under this section except upon application therefor in the manner prescribed by the Arts and Humanities Act of 1965 (20 U.S.C. 954d) to the Chairperson.

(e) 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 "1965" and inserting "1966".

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

"(i) 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;"

(ii) for the most recent preceding year for which information is available, a description of the extent projects and productions receiving financial assistance from the Foundation, and for which the information was available to the Arts and Humanities Act of 1965 (20 U.S.C. 954(m)) 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;" and

(3) by inserting after subparagraph (F) the following:

"(G) Stimulate 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) by inserting "and" at the end of the first sentence—

"(A) by inserting "ongoing," after "shall,"

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

(C) by inserting "and public dissemination" after "activities;", and

(2) by striking the fourth sentence, and

(3) in the last sentence by striking "1988," and inserting "1992, and quadrannually.

(g) Contents of Applications: Installation Pay.—Section 5 of the National
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Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954) is amended—
(1) by redesignating subchapter (A) through (m) as subsections (1) through (p), respectively, and
(2) by inserting after subsection (h) the following:

"(i) shall be a condition of the receipt of financial assistance provided under this section by the Chairperson or the State agency for such assistance in-clude in its application:

(1) a detailed description of the proposed project, production, workshop, or program for which the applicant requests such assistance;

(2) a timetable for the completion of such proposed project, production, workshop, or program;

(3) assurance that the applicant will submit—

(A) interim reports describing the activities of the project, production, workshop, or program and the progress in carrying out such project, production, workshop, or program; and

(B) progress reports in such project, production, workshop, or program; and

(3) compliance with this Act and the conditions of receipt of such assistance;

(4) if such proposed project, production, workshop, or program occurs during a period exceeding 1 year, an annual report describing the activities of the project, production, workshop, or program for which the applicant requests such assistance; and

(5) the period for which the application is for such assistance, such assistance shall be provided only if the application is approved; and

(6) the Chairperson or the State agency determines that is in the public interest to provide for the distribution of financial assistance provided under this section for such project, production, workshop, or program.

(i) Technical Amendments.—(1) Section 5(m) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(m)), is amended by—

(A) in paragraph (3), by striking "section 5(j)(1)" and inserting "section 5(j)(1) and (2)";

(B) in paragraph (7), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(C) in paragraph (5), by striking "section 5(j)(1)" and inserting "section 5(j)(1) and (2)";

(D) in paragraph (6), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(E) in paragraph (7), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(F) in paragraph (8), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(G) in paragraph (9), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(H) in paragraph (10), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(I) in paragraph (11), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(J) in paragraph (12), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(K) in paragraph (13), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(L) in paragraph (14), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(M) in paragraph (15), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(N) in paragraph (16), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(O) in paragraph (17), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(P) in paragraph (18), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(Q) in paragraph (19), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(R) in paragraph (20), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(S) in paragraph (21), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(T) in paragraph (22), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(U) in paragraph (23), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(V) in paragraph (24), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(W) in paragraph (25), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(X) in paragraph (26), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(Y) in paragraph (27), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)";

(Z) in paragraph (28), by striking "section 5(j)(1) and (2)" and inserting "section 5(j)(1), (2), and (3)"

(ii) Effective Date.—Section 5(m) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(m)), is amended by redesignating subsections 5(j)(1) and 5(j)(2) as subsections 5(j)(1) and 5(j)(2), respectively.

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

"(4) This subsection shall not apply with respect to a project, production, workshop, or program, or part of such assistance, if the Endowment determines that is in the public interest to provide for the distribution of financial assistance provided under this section for such project, production, workshop, or program.

"(5) In applying the authority provided by this subsection, the Chairperson shall ensure that recipients of financial assistance under this section comply with the regulations under this Act that apply with respect to such assistance, including those relating to accounting and financial matters.

"(6) Limitation on receipt of financial assistance.—Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954), as amended by subsection (g), is amended—

(A) by redesignating subsections (1) through (p), respectively, and

(B) by inserting after subsection (k) the following:

"(A) if, after reasonable notice and opportunity for a hearing on the record, the Chairperson determines that the recipient of financial assistance provided under this section by the Chairperson or any non-Federal entity, used such financial assistance for a program, project, or activity that is determined to be obscene, then the Chairperson shall rescind the award;

"(B) if such proposed project, production, workshop, or program occurs during a period exceeding 1 year, beginning on the date the Chairperson makes such determination;

"(C) the Chairperson may not provide financial assistance under this paragraph to a program, project, or activity that is determined to be obscene, unless the Chairperson determines that the applicant will make such determination.

"(D) no such financial assistance be pro-vided 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) This subsection shall not apply with respect to financial assistance provided before the effective date of this subsection.

"(4) This subsection shall not apply with respect to a project, production, workshop, or program, or part of such assistance, if the Endowment determines that is in the public interest to provide for the distribution of financial assistance provided under this section for such project, production, workshop, or program.

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"(B) if such proposed project, production, workshop, or program occurs during a period exceeding 1 year, beginning on the date the Chairperson makes such determination;

"(C) the Chairperson may not provide financial assistance under this paragraph to a program, project, or activity that is determined to be obscene, unless the Chairperson determines that the applicant will make such determination.

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(B) by inserting after subsection (k) the following:

"(A) if, after reasonable notice and opportunity for a hearing on the record, the Chairperson determines that the recipient of financial assistance provided under this section by the Chairperson or any non-Federal entity, used such financial assistance for a program, project, or activity that is determined to be obscene, then the Chairperson shall rescind the award;

"(B) if such proposed project, production, workshop, or program occurs during a period exceeding 1 year, beginning on the date the Chairperson makes such determination;
following: "Members of the Council shall be appointed in an equitable geographical areas in the United States."

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

(1) by striking "(1)" after "(d)"; and
(2) by adding at the end the following:

"All policy meetings of the Council shall be open to the public."

"(2) The Council shall—

"(A) create written records summarizing—

(i) all meetings and discussions of the Council; and
(ii) 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.

(3) 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 "therein";

(C) by inserting before the period the following:

"in the second sentence by striking "unusual" 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 this Act."

(4) by inserting after the second sentence the following:

"The Chairperson shall have final authority to determine whether the applicant is entitled to an award, and 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

(5) 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 this section (e) and (f) of section 5 that are determined section 10(c) to have artistic excellence and artistic merit, and

(2) the amount of financial assistance the Chairperson should provide with respect to such applications the Council recommends for approval."
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where the Chairperson exercises authority delegated under section 6(1). When reviewing a pending application, the Chairperson shall consider whether the applicant is ineligible to serve on a panel at that time. The Chairperson shall further ensure that all panels are composed of representatives of lay individuals who are knowledgeable about the arts and who are not engaged in the arts as a profession, and are not members of either artists' organizations or arts organizations.

(2) To ensure that all panels include representation of lay individuals who are knowledgeable about the arts and who are not engaged in the arts as a profession, and are not members of either artists' organizations or arts organizations.

(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

(D) all meetings and discussions of such panel; and

(E) the recommendations made by such panel to the Council; and

(F) to make such records available to the public that protects the privacy of individual applicants and panel members; and

(G) to require, when necessary and feasible, the individuals representing the panel 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;

(H) to require that the membership of each panel is not engaged in the arts as a profession and to provide that each individual is eligible 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 to the Council for its consideration.

In order to ensure that the work of the Chairperson is done in the best interest of the public, and to provide that each individual is eligible to serve on a panel for more than 3 consecutive years.

(5) To ensure that, when feasible, the procedures used by panels to carry out their responsibilities are standardized.

(6) To require panels—

(A) to create written records summarizing

(D) all meetings and discussions of such panel; and

(E) the recommendations made by such panel to the Council; and

(F) to make such records available to the public that protects the privacy of individual applicants and panel members; and

(G) to require, when necessary and feasible, the individuals representing the panel 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;

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In order to ensure that the work of the Chairperson is done in the best interest of the public, and to provide that each individual is eligible to serve on a panel for more than 3 consecutive years.

(5) To ensure that, when feasible, the procedures used by panels to carry out their responsibilities are standardized.

(6) To require panels—

(A) to create written records summarizing

(D) all meetings and discussions of such panel; and

(E) the recommendations made by such panel to the Council; and

(F) to make such records available to the public that protects the privacy of individual applicants and panel members; and

(G) to require, when necessary and feasible, the individuals representing the panel 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;

(H) to require that the membership of each panel is not engaged in the arts as a profession and to provide that each individual is eligible 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 to the Council for its consideration.

In order to ensure that the work of the Chairperson is done in the best interest of the public, and to provide that each individual is eligible to serve on a panel for more than 3 consecutive years.
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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. 964(a)(1)) is amended by striking "four" and Inserting "three".

SEC. 103. AUDIENCE AND DIRECTION.

(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 by law in the Executive Schedule (section 5315 of title 5), and shall":

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

"Director of the Institute of Museum Services."

(2) TECHNICAL AMENDMENT.—(1) Section 205(a)(2) of the Museum Services Act (20 U.S.C. 964) is amended by striking "Chairperson" and inserting "Director's".

SEC. 104. ACTIVITIES.

(a) CONSERVATION.—Section 206(a)(5) of the Museum Services Act (20 U.S.C. 964(a)(5)) is amended by striking "and artistic" and "art objects" and inserting "their collections".

(b) AUTHORITY OF DIRECTOR.—Section 206(b) of the Museum Services Act (20 U.S.C. 964(b)) is amended—

(1) In paragraph (1), by striking "with professional museum organizations", and

(2) by striking "to such organizations", and

(3) by striking "of any professional museum organization".

(2) in paragraph (2),—

(A) by inserting paragraph (A), and

(B) in subparagraph (B),—

(i) by striking "CB",

(ii) by striking "the", and

(iii) by striking "such organizations to"

(3) in paragraph (3) by striking "to professional museum organizations", and

(4) by striking paragraph (4).

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) EXCEPTION TO APPLICABILITY OF APPROPRIATIONS.—Section 208(a) of the Museum Services Act (20 U.S.C. 964(a)) is amended by striking "$21,600,000" and all that follows through "1990", and Inserting "$24,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993."

(b) INCENTIVE AUTHORIZATION OF APPROPRIATIONS.—Section 209(c) of the Museum Services Act (20 U.S.C. 964(c)) is amended—

(1) by striking "during the period and all that follows through "1990",

(2) by inserting for each fiscal year ending before October 1, 1993." after "appropriate fiscal year", and

(3) by striking "such period" and inserting "such fiscal year."

SEC. 106. ASSESSMENT OF CERTAIN MUSEUMS.

The Museum Services Act (20 U.S.C. 961-966) is amended by adding at the end the following:

"ASSESSMENT OF CERTAIN MUSEUMS.

"Sec. 211. The Director, subject to the policy direction of the Board and in consultation with appropriate representatives of the museum and cultural communities shall undertake an assessment of the needs of small, emerging, minority, and rural museums. The assessment, to be completed and presented to Congress within two years of enactment, shall include but not necessarily be limited to the following subjects:

"(1) The need for resources to identify, collect, preserve, exhibit, research, interpret and manage the collections, and to communicate with and involve their own communities and the general public.

"(2) The personnel staffing and training needs for small, emerging, minority, and rural museums, including needs for professional and paraprofessional personnel hired or appointed by museums who are expert in the history, culture, customs, or other human resources of the communities.

"(3) The building and construction needs, including impediments to accessing Federal and non-Federal funds for this purpose.

"(4) The maintenance, operation and repair needs, including impediments to accessing Federal and non-Federal funds for these purposes.

"(5) The status of the museums' current collections and the museums' interests in accessing, through gift, purchase, repatriation, or other means, artifacts now held privately or in public collections.

"(6) As used in this subsection—

"(1) "Small, emerging, minority, and rural museums" includes tribal museums and museums of other ethnic and cultural groups, and

"(2) the term "Indian tribe" has the meaning given in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 459b)."

SEC. 107. INDENDTY AGREEMENTS.

"TITLE IV — EFFECTIVE DATES

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on October 1, 1990.

(b) SPECIAL EFFECTIVE DATE.—The amendments made by sections 110, 204, and 301 shall take effect on the date of the enactment of this Act or October 1, 1989, whichever is earlier."

The CHAIRMElN. The gentleman from Montana [Mr. WILLIAMS] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I yield 4 minutes to the gentlewoman from New York, Mrs. LOWEY.

(Mrs. LOWEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. New York. Mr. Chairman, for months now, we have all been inundated with bizarre and fantastic claims about the behavior of the National Endowment for the Arts.

For the most part, the NEA is performing admirably in supporting deserving artists and arts organizations throughout this Nation. The vast and overwhelming majority of the grants it makes have never been called into question by anyone. And despite the denials and comments of so-called "detractors", there is no public sponsorship of such works or art, and netting, that has ever been characterized by exaggeration, misstatements and outright falsehoods.

But it is essential that we do not let these claims be made.

Have mistakes been made? It is likely that they have. But do these mistakes warrant the changes in the way the NEA does business. The answer is a resounding "no.

As a member of the subcommittee on postsecondary education, I voted for legislation to reauthorize the NEA without restrictions on the content of works of art, and without reading changed in its grantmaking procedures. And I continue to believe that this is the most appropriate action for Congress to take.

I believe in the statements by the President and the Chairman of the NEA that they will act forcefully to prevent abuses by the agency.

And I also believe in a fundamental principle that guides this Nation: the principle of freedom of expression.

A quarter of a century ago, Congress and the President decided to create a Federal agency to promote the arts in America. They did so because they believed it is part of our nation's cultural heritage must be preserved, and our Nation's artists deserve our support. That concept still holds true, as it always should.

Opponents of the NEA argue that content-based restrictions on NEA-sponsored art are appropriate in light of the public sponsorship of such works. But it's time to impose content restrictions on works of art that are funded by the Government are dangerous and wrong.
There are certain standards that must not be violated. That is why we have laws against obscenity, libel, and slander. But I believe that the Federal government goes beyond that and attempts to further restrict the content of works of art, we make a mockery of the principles for which our Nation stands.

I am not happy with all aspects of the Williams-Coleman substitute because I believe that some of its changes in the distribution of funds and the application procedures for NEA grants will not improve the NEA or protect the taxpayers. It also contains language concerning standards of decency that I find very troubling. But I applaud Mr. Williams for his efforts in achieving this compromise under very difficult circumstances, and I applaud him for continuing to reject many of the arbitrary content restrictions that have been advocated.

In my congressional district, the NEA is providing funds to struggling artists and arts groups whose contributions to our community have never been questioned. And, importantly, the NEA is also providing essential support to our local schools.

It is imperative that our children be educated in the arts, and that is one reason I support the Williams-Coleman substitute. It contains a very important initiative to expand arts education around the Nation, an initiative that will help children around the Nation express themselves through the arts and achieve their full potential.

We must teach our children about the arts and encourage them in their creative endeavors. And we must also teach our children about respect for freedom of expression.

In my view, efforts to restrict the content of works of art will damage our nation's artists and our Nation's cultural heritage. But it will also damage the principles on which our Nation was founded.

Let us think about what we teach our children when the Government attempts to restrict freedom of expression. Let us then approve the Williams-Coleman substitute, which rejects censorship in favor of the freedoms we hold dear.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would just like to clear up one matter to make sure there is no confusion. Since no one rose in opposition to the amendment, then the gentleman from Missouri [Mr. COLEMAN] by unanimous consent was accorded and yielded back the balance of his time. The Chair would not want there to be confusion about the time at the end of the three minutes.

Mr. COLEMAN. Mr. Chairman, I do not claim the time since I obviously am in support of the amendment. I yield unanimous consent that since nobody has risen, we could shorten the time by 30 minutes if it were yielded back, and I would do so for that purpose.

The CHAIRMAN. Without objection, no Member rises in opposition to claim the time, and the time is yielded back.

There was no objection.

Mr. WILLIAMS. Mr. Chairman, I yield 13 minutes to the gentleman from Missouri [Mr. COLEMAN] and ask unanimous consent that he be allowed to control that time for the purpose of yielding to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me explain to the committee where we are in this process.

We have pending the Williams-Coleman bipartisan substitute proposal, which if it were not to pass we would go back to the committee bill, which is a straight reauthorization of the NEA with no changes. Having defeated both the Crane amendment and the Rohrabacher amendment, we need the support and pass the Williams-Coleman substitute or else all of the things that we have worked for to provide for accountability, to streamline and to assure proper procedures and reforms in the NEA and to in fact restrict the funding to non-obscene works, all would be for naught. So we need to adopt this amendment.

Mr. Chairman, having explained to the body where we are, I yield 3 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me explain to the committee where we are.

It is clear to me what this controversy is all about. The cold war is over. The red menace is gone. And the right wing had to find a hot button issue to support their direct-mail, fund-raising campaigns. The NEA is one of the poster children in the NEA. Let us say no to these tactics.

Mr. Chairman, we are not art critics. We are not super censors. Let us get on with our job, like eliminating the deficit and let the NEA get on with its job of encouraging and supporting young artists.

Support the Williams-Coleman substitute.

Mr. WILLIAMS. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. Gunders].

Mr. Chairman, I want to say he was a great facilitator in trying to put together this package, and I appreciate it very much. Much of the Coleman-Gunderson proposal is in here.

I would like to give the Gentleman the opportunity to ask and was given permission to revise and extend his remarks.

Mr. FOGLIETTA. Mr. Chairman, the history of art is a tradition of public and government support for the great artists, musicians, writers, and playwrights of the world. Let me give you a few examples:

Michelangelo, Rembrandt, Vermeer, Goya, Velasquez, all were supported by commissions from the Medici family. And Pope Julius II

Mozart received backing from Empress Maria Theresa of Austria.

Beethoven was supported by Prince Lichnowsky, Prince Finkenberg, and Archduke Rudolph, the Royal court of Austria, to allow him to focus on his great works.

Today, in America, the National Endowment of the Arts has taken the place of the Kings and Popes of the past. The NEA has allowed hundreds of thousands of artists to grow and enrich our lives, including choreographer and dancer Twyla Tharp, and Ethel Waters and Joyce Carol Oates.

Less than five-hundredths of 1 percent of nearly 60,000 NEA grants have resulted in controversy. It is hard to believe that many other Federal programs can claim such a success rate.

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Mr. GUNDERSON. Mr. Chairman, after months of controversy, we finally have an agreement at the National Endowment of the Arts (NEA). Having spent many hours looking into these problems over the past several months, I am pleased that we have a substitute legislation offered on the floor today by Mr. WILLIAMS and Mr. COLEMAN.

My colleagues on the Education and Labor Committee may recall my frustration early this year when the entire debate over efforts to reauthorize the NEA centered on the impenetrable language of "censorship." Let me say it one last time; refusal of public sponsorship is not—by any definition—government censorship.

In fact, we were confining debate on reauthorization of a 25-year-old Federal agency with which it would seem that neither side of the debate stopped long enough to look at the agency itself—at its successes, and its failures. And no one could question the NEA on a course of the vicious circle we each leap into.

The Williams-Coleman substitute is based on legislation Mr. COLEMAN and I wrote as a means of letting everyone climb out of the semantic circle. More importantly, our efforts achieved what we set out first to achieve—to shift the debate back to substantive reviews of where we could improve the NEA to eliminate its problems—and let there be no question, the NEA is a vital agency to the important achievements of this agency, it does have significant problems.

The agency suffers from problems at its core—in its definition of obscenity. Is this to say the agency should be abolished? No. Its problems are understandable when you realize we have not made substantive changes to its original charter in 25 years. Can anyone think of any other agency where this is true?

Mr. WILLIAMS. The Chairman.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman's response. The Williams-Coleman substitute essentially sets down an entirely new record of panel decisionmaking. Most importantly, though panels have no power to recommend or comment on funding levels, they have new responsibilities which they do not have now. As grantees of public funds, they must be held accountable to the public as they are all other recipients of Federal funds.

But this is exactly why it is time to rewrite the goals for our premier arts agency. Americans are refusing to subscribe to a panel that will not allow in their own homes—and the NEA has an obligation to be sensitive to those views. The substitute bill will redirect the NEA into the course of public stewardship for the arts—and public is the operative word.

Under the bill, the NEA will avoid censoring works for objectionable or obscene content. But that is not to say funding of such works will be allowed. Under this plan, the new NEA will base its decisions on the substantive grounds of artistic merit and artistic excellence. And, given that obscenity is defined as without merit in the bill, the NEA cannot legally fund obscene works.

I would have preferred to go further in this new standard, but I am convinced we have other more important provisions in the bill to prevent poor panels from making bad decisions—and funding obscenity under the new NEA—preventing funding decisions.

By tracking past instances of NEA-funded obscenity through the funding process, we can see where changes in the legislation are needed.

First, where the chairman, panels, and the council must base all funding decisions on standards of artistic merit and artistic excellence. Is this to say the agency should be abolished? No.

Second, at the beginning of the process—the panel review—we've made significant changes. NEA grants have a new legally binding—provision. Also new is our language, never used before, requiring all NEA grants to be sensitive to the nature of public sponsorship. In fact, we were confining debate on reauthorization of a 25-year-old Federal agency to semantics. No one on this floor today by Mr. WILLIAMS and Mr. COLEMAN.

Mr. WILLIAMS and Mr. COLEMAN.

Mr. GUNDERSON. Mr. Chairman, will you please yield to the gentleman from Georgia. Mr. Chairman, I rise to urge my colleagues to support the Williams-Coleman substitute. Because I can assure you that the NEA cannot legally fund obscene works.

Finally, artists will have new responsibilities which they do not have now. As grantees of public funds, they must be held accountable to the public as all other recipients of Federal funds. We will require up-front detailed explanations of what tax dollars are funding; will require reports proving compliance with funding agreements and showing sensitivity to public sponsorship and religious, ethnic, and cultural traditions and heritage. Site visits will be required, and funds will be cut off immediately for noncompliance with the new standards.

Mr. WILLIAMS. Mr. Chairman, I appreciate the gentleman's response. The Williams-Coleman substitute. My colleagues, have we learned anything from the recent alienation of Eastern Europe, from the changes in the Soviet Union, from the early signs of democracy in South Africa? These changes have come about because the basic right of free expression cannot be suppressed for long. The struggle...
against censorship, against censorship of the press, against censorship of religious against censorship of religious belief against censorship of art. For us, as old as the dawn of history, it is strange to me that in every age there is somebody who tries to ban or burn books for the people the right to speak or the right of people to be creative. I truly believe that, in this country, we must preserve the right of each person to express himself, then we must back up that belief with a public commitment to the arts and to free expression, a commitment of resources a commitment of dollars.

Mr. Chairman, I speak as an ordained Baptist minister and as a Member of the Congressional Arts Caucus. I see no conflict of interest. I deeply believe in traditional American values. I believe that freedom of expression, freedom of thought, and the freedom to be creative is deeply rooted in the American dream and in the Bill of Rights.

My colleagues, we must remember the words of President Kennedy:

'The great visionaries of history are the last champions of the individual mind and against an intrusive society.'

We must never forget that art is not a form of propaganda; it is a form of truth. In serving his vision of the truth, the artist serves his nation, the nation which disseminates the mission of art invites the fate of Robert Frost's hired man, the fate of having nothing to look backward with pride, and nothing to look forward to with hope.

I would ask my colleagues to support the Williams-Coleman substitute.

Mr. WILLIAMS. Mr. Chairman, I yield 1 ½ minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, first of all, I would like to pay special tribute to our chairman, the gentleman from Montana [Mr. WILLIAMS] for his outstanding work in our party, our friend, the gentleman from Missouri [Mr. COLEMAN].

The two gentlemen have taken a very divisive issue, a difficult issue, they have listened to both sides in this debate, and they have crafted a very sensible compromise that hopefully the overwhelming majority of this body can support here this evening.

Mr. Chairman, it is clear in this proposal that the Williams-Coleman amendment prohibits Federal funding of any obscene art, and everyone in this country should clearly understand this.

One of the reasons for that is, given the Miller versus California standard, anything that has artistic merit is not by legal definition obscene. So, how can we seek to address the problem that we heard from our constituents? We put general decency requirements into the act.

In addition, all grants are released incrementally so that the use of public funds is monitored during the grant disbursement process, and we will not lose, we will not lose, any public money out.

"Whoops, we didn't know you would do it that way or that it would be used for.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HSYMNY].
chairman and the ranking member, the NEA will live on in keeping with its great tradition.

Mr. Chairman, I would like to take a minute to talk about another little plan called "Driving Miss Daisy." It was written by Alfred Uhry, who was raised in the Fourth Congressional District of Georgia. "Driving Miss Daisy" is Mr. Uhry's first dramatic play. Because of the play's subject matter and simple setting, it hardly seemed a candidate for commercial production. But the play caught the interest of the artistic director of the Playwrights' Horizon Theater in New York City. A nonprofit theater dedicated to the development of new plays and musicals. Of the theater grant from the NEA, $18,000 was used to produce a regional production of "Driving Miss Daisy" in 1987.

Since that time, the play has generated $25 million in box office profit, and more than $25 million has been paid to the playwright and the actors. In San Diego and in Philadelphia, the box office continues to grow. "Driving Miss Daisy" is produced profiteering and is contributing to the public staging of some of our most cherished national treasures. It is without artistic merit and is not protected speech.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. Jones].

Mr. JONES of Georgia. Mr. Chairman, when business people come looking at a town or a city with the idea of locating their office or factory there, they look at a lot of things: The workforce, the weather, transportation, and especially education. The first question they ask is, "What are the schools like?" And they also take a long hard look at an area's cultural life.

When the city of Atlanta was chosen by the International Olympic Committee to host the world for the 1996 Olympics, all of those things were considered and found admirable. When they looked at our city's cultural life, they saw a world-class symphony and the renowned Atlanta Center for the Puppetry Arts, the National Black Arts Festival, the Alliance for the Arts, and the renowned Atlanta at or near the top of all video rentals in the United States. "Driving Miss Daisy," which was released in mid-August, went $15 million in retail for 6 months after its release. Using a conservative multiplier of two, the economic impact of the $18,000 investment in a play called "Driving Miss Daisy" is already nearly $300 million. That figure will continue to grow as more productions of the play are mounted, video cassette sales and rentals increase, and the film is released in other parts of the world. So, an $18,000 initial investment made by the NEA has already been returned to the U.S. economy 16,667 times.

However, "Miss Daisy's" most important contribution must be viewed in another way. This delicate story about the love and friendship which grew over the years between an elderly Atlanta widow and her black chauffeur has touched the lives of millions, illuminating places in the human heart and underscoring some old-fashioned American verities, like unselfishness, tolerance, brotherhood, and courage. There is no way to measure that benefit. Mr. Chairman, but that is good business too. The best.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I want to compliment the chairman and the distinguished minority leader for all the work and all the grief they have taken because of a few individuals who have chosen to see the dark side of issues. It has really demeaned one of the finest performances I hope we have ever had in this country, and that is the NEA.

There have been 85,000 grants that have been given to all areas of this country, in rural America, urban America, and only a few have been discontent. However, I believe that the. substitute reforms the grant review process to ensure greater accountability and consideration of the diverse interests and values of the American public.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. Jones].

Mr. JONES of Georgia. Mr. Chairman, again I want to emphasize that this agency has done in terms of stimulating the arts, that sail the minds and souls and mirror our heritage as a nation, and give individuals a chance to participate in the arts, are very, very important.

Mr. Chairman, I would like to talk just briefly about a few of the grants that have come to my hometown of Cleveland, OH, in the last 25 years. Young people would never have been able to go to hear a symphony as performed by the Cleveland Orchestra if the city, have not been able to take a student so that young people of all backgrounds could participate. Adults could not participate in seeing a ballet, or participate in seeing a work of musicals, which has created jobs for our people, and at the same time has a high level of artistic integrity.

Yes, we have seen aspiring artists who may not ever have had a chance to have the leisure to perform, or the leisure to draw, receive grants and have gone on to become professionals. Why is it that in this country we spend about three times less than our northern neighbors of Canada, England, or Japan? We are way behind in our fostering the arts in this country. We ought to not demean the arts but realize what a lofty, noble profession it is, and how much it means to our country.
awards on the highest artistic excellence and artistic merit, to have multiple dispersions, two-thirds up front with one-third at the end, with reporting requirements by the artist, procedural reforms to reform the panels, the advisory panels which are truly ad hoc. We decided how much money is given to each grant. We believe that will through the National Council of the Arts under our proposal that the first time will reasonably provide funding level policy decisions and make recommendations to the chairman of the endowment, and that chairman will have final authority to approve or disapprove of any work of art which has been recommended to him by the Council. That chairperson does not have to approve an application, but in order to approve an application, it must be submitted to his or her approval by the Council.

In other words, Mr. Chairman, we must pass the Williams-Coleman proposal to broaden the panels to nonarbitrary questions. I want to assure that the highest quality art in this country is going to be funded. The Williams-Coleman bill has created this bipartisan package.

We recognize that States will receive more money under our proposal to refit the Coleman grant entity values that we hold dear, without dismantling the National Endowment at the national level.

We have created new programs and priorities for projects that the NEA will now fund, including access to the arts through film and television, radio and video, a new arts education program and a challenge grant to develop arts organizations in order to bring into rural and inner cities the highest quality of art in this country. Mr. Chairman, I am very proud to stand here tonight in front of this House and join with my colleagues and let me pay special commendation to the gentleman from Montana [Mr. Williams]. He and I are not the same artists, but our story line is the same because we know both in the things that we stand for because we truly feel them. We can respect each other. We can come to the floor in a compromise. That is what the legislative process is all about; Mr. Chairman, to try to find these extremes and bring them together. Today the middle is holding in this House.

Mr. Chairman, I ask my colleagues to vote yes, regardless how they voted on the previous amendment, to vote yes on the Williams-Coleman.

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado [Mr. Campbell].

Mr. CAMPBELL of Colorado. Mr. Chairman, I have been working in my office, as many of my colleagues have, listening, listening, and I was surprised that people who talk so much about their rights are so quick to step on the rights of other Americans. I was not going to speak, but I thought I should for a moment as a professional artist and a Member of this body who is absolutely opposed to government interference, and I have never received any kind of grant money for an art project.

I am greatly saddened, as many of my colleagues are, from people who believe you set public policy by who yells the loudest. It has been described by one of my colleagues as an artistic holocaust. It has kind of a similar ring to what the Third Reich said in 1939-41 when they were trying to crush freedom of speech in Germany.

I know it takes courage to stand up for a small organization like the NEA, but without it many of our great works of art could not have been funded. I do not think we should be judge, jury, and executioner of art in America.

We should cut out the smoke screen of the real issue. This is not a budgetary question or a management question. It is a moral question to me is really whether we are going to be a people who walk the path of cultural enlightenment, or are we going to beoggled into a new age of darkness by right wing extremists?

I think this vote on the Williams-Coleman amendment is the first step on that path.

Mr. WILLIAMS. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, there are significant procedural changes made in the proposal before the House. This proposal is here because of the cooperation between myself and the gentleman from Missouri who has done excellent, extraordinary work on this legislation and this amendment, and I thank the gentleman from Missouri [Mr. Coleman] a great deal. If we have done one important thing in this amendment, it is this. We have maintained the integrity of freedom of expression in the United States. Up my way in Montana I grew up in a little mining town called Butte. Many years ago I judge the health of the air in those mines by in the depths of the mine with them. They constantly move the cage out in front of them as they worked ahead in the mine. The purpose of that, of course, was to check the quality of the air, because if the canary could not survive, they knew that the air would soon be not healthy for them, and perhaps they could not survive in those deep mines.

In this country we are about a great experiment, and that is whether democracy can survive, whether a people who would dare to rule themselves can do it. If that experiment is to be successful, the environment of freedom of expression in this country must be maintained. I am sure artists are democracy’s miner’s canary. If we can protect freedom of expression for them, then the freedom of expression for all of us remains intact.

On the wall of the Kennedy Center are written the words of that young President, John Fitzgerald Kennedy, whose idea in a way we are saluting here today. The words in that wall, written more than 20 years ago by Jack Kennedy, are these:

John Kennedy said:

I see an America which rewards excellence in the arts just as it rewards excellence in business and statecraft. I see an America that constantly expands cultural opportunities for all Americans.

And finally, said that young President:

I see an America that is respected throughout the world, not only for its strength, but for its civilization as well.

Mr. Chairman, the House has done itself proud today.

Mr. MOODY. Mr. Chairman, I rise in support of the Williams-Coleman substitute to H.R. 4825. Authorization for the National Endowment for the Arts, National Endowment for the Humanities, and Institute of Museum Services. The Williams-Coleman amendment is a very reasonable and responsible compromise.

Mr. Chairman, I believe you set public policy by who yells the loudest. It has been described by one of my colleagues as an artistic holocaust.

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I am greatly saddened, as many of my colleagues are, from people who believe you set public policy by who yells the loudest. It has been described by one of my colleagues as an artistic holocaust. It has kind of a similar ring to what the Third Reich said in 1939-41 when they were trying to crush freedom of speech in Germany.

I know it takes courage to stand up for a small organization like the NEA, but without it many of our great works of art could not have been funded. I do not think we should be judge, jury, and executioner of art in America.

We should cut out the smoke screen of the real issue. This is not a budgetary question or a management question. It is a moral question to me is really whether we are going to be a people who walk the path of cultural enlightenment, or are we going to beoggled into a new age of darkness by right wing extremists?

I think this vote on the Williams-Coleman amendment is the first step on that path.

Mr. WILLIAMS. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, there are significant procedural changes made in the proposal before the House. This proposal is here because of the cooperation between myself and the gentleman from Missouri who has done excellent, extraordinary work on this legislation and this amendment, and I thank the gentleman from Missouri [Mr. Coleman] a great deal.

If we have done one important thing in this amendment, it is this. We have maintained the integrity of freedom of expression in the United States. Up my way in Montana I grew up in a little mining town called Butte. Many years ago I judge the health of the air in those mines by in the depths of the mine with them. They constantly move the cage out in front of them as they worked ahead in the mine. The purpose of that, of course, was to check the quality of the air, because if the canary could not survive, they knew that the air would soon be not healthy for them, and perhaps they could not survive in those deep mines.

In this country we are about a great experiment, and that is whether democracy can survive, whether a people who would dare to rule themselves can do it. If that experiment is to be successful, the environment of freedom of expression in this country must be maintained. I am sure artists are democracy’s miner’s canary. If we can protect freedom of expression for them, then the freedom of expression for all of us remains intact.

On the wall of the Kennedy Center are written the words of that young President, John Fitzgerald Kennedy, whose idea in a way we are saluting here today. The words in that wall, written more than 20 years ago by Jack Kennedy, are these:

John Kennedy said:

I see an America which rewards excellence in the arts just as it rewards excellence in business and statecraft. I see an America that constantly expands cultural opportunities for all Americans.

And finally, said that young President:

I see an America that is respected throughout the world, not only for its strength, but for its civilization as well.

Mr. Chairman, the House has done itself proud today.

Mr. MOODY. Mr. Chairman, I rise in support of the Williams-Coleman substitute to H.R. 4825. Authorization for the National Endowment for the Arts, National Endowment for the Humanities, and Institute of Museum Services. The Williams-Coleman amendment is a very reasonable and responsible compromise.
Congress should adopt the Williams-Coleman substitute and reject the Crane and Rohrabacher amendments. The Williams-Coleman substitute will ensure that the NEA continues as the NEA, not a contrived record of success. We owe it to present and future Americans to continue funding the NEA.

Mr. COLEMAN of Texas. Mr. Chairman, I rise in support of this bill and in support of the substitute language on the NEA offered by Congressman PAT WILLIAMS, of Montana, and TOM COLEMAN, of Missouri.

This entire debate is a waste of time, literal. It is a waste of our time for our staffs to have had to answer all of the postcards generated by right-wing direct mail lobbies on this issue throughout the summer—in fact for the past year.

The Dow Jones Industrial Average went down by 50 points yesterday. It did not go down because the NEA funded a couple of works of art that were offensive by conservatisms. It went down because the financial markets. Wall Street, the city of London and the Gong are convinced that the Congress and the George Bush are serious about deficit reduction, not about halting the slide in our economy.

I am not a great supporter of the involvement of the Federal Government in the arts. Marshall Stahn and Chairman Mao were great proponents of statist art and propaganda. I am convinced that there is a role for the Federal Government and for the three agencies which will be funded today because I support the public underwriting of efforts to broaden the spectrum of the kinds of art we enjoy. Minorities whose work would otherwise have been omitted from what fits neatly in the "mainstream" may benefit from the NEA or the Institute for Museum Services. People from relatively isolated parts of America, like my constituents in west Texas, may have the genius of someone else from another part of this country made accessible to them by virtue of the NEA.

No one in the Congress wants to fund obscenity with our constituents' tax dollars. The Williams-Coleman language goes as far as is reasonable in ensuring that we do not. If we adopt the Rohrabacher amendment, or some other concoction of the far right which seeks to restrict the content of art, we will end up not with the NEA, but with the NAA, a National Endowment for the Unobjectionable. I will not waste any more time on this debate. As a member of the Committee on Appropriations, I know that we are supposed to complete 13 separate conferences in the next 5 days. That is important. This is trivial. I do not have time for it. Let us pass this bill and get on with our business.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Montana (Mr. WILLIAMS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COLEMAN of Missouri. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—a yes 362, noes 42, not voting 9, as follows:

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MESSRS. ACKERMAN, MCDERMOTT, DELILHIPS, STUDYS, HUGER, AND ERMAN changed their vote from "aye" to "no" to "aye," and from "no" to "aye." The amendment of Mr. GRANDY to the amendment in the nature of a substitute offered by Mr. WILLIAMS.

Mr. GRANDY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will deposit the amendment. The text of the amendment is as follows:

Amendment offered by Mr. GRANDY to the amendment in the nature of a substitute offered by Mr. WILLIAMS: In subsection (1)(B) of section 5 of the National Foundation on the Arts and the Humanities Act of 1965, as added by section 1021(a), strike the dash and all that follows through subparagraph (B), and add the following:

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Mr. GRANDY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Pelosi].

Mr. Pelosi. Mr. Chairman, I thank the gentleman for yielding and for his leadership on promoting the arts in this country and in this Congress. I urge my colleagues not to suppress creativity. I urge them to vote yes on the amendment which is an essential part of a civilized life. Art of its nature will always evoke controversy.

Mr. COLEMAN. Mr. Chairman, I appreciate the gentleman's yielding and for his leadership on promoting the arts in this country and in this Congress. I urge my colleagues not to suppress creativity. I urge them to vote yes on the amendment which is an essential part of a civilized life. Art of its nature will always evoke controversy.

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Mr. GRANDY. Mr. Chairman, I yield 2 minutes to the gentle
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(Mr. CARR asked and was given permission to revise and extend his remarks.)

Mr. CARR. Mr. Chairman, I rise in support of the amendment that I have submitted today.

It is one thing to say that some art that was created by public funds ends up by a court of law or jury or in the judicial system to be judged obscene and in violation of what is intended here, and that the organization or the individual pay the money back. That says that the particular art was bad art, it was a mistake and we are going to rectify that mistake. If we debar an organization or an individual we are really saying that not only was the art bad art or a bad mistake, we are saying that the person is a bad person or the organization is a bad organization.

We know there are a lot of museums out there who are interested in fostering art, particularly also of the more avant garde types of art. Just because they make a mistake does not mean that they are not rendering a valuable service to this particular community and to the communities that they serve. They should not be disbarred, and they should not be required to pay the money back that is provided in the bill. I think the penalty is excessive, and there is no opportunity for adequate appeal, review of the penalty. It is harsh, and I urge the support and adoption of the Grandy amendment.

I would like to congratulate the gentleman from Iowa for all of the work he has done on this particular issue, not only on his amendment, but the support he has given to the National Endowment for the Arts.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. CARR. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, the gentleman should not have to pay the money back; they should not lose future grants. The Federal Government ought not to be involved in this in any way. I support the Grandy amendment and I hope it is adopted.

Mr. CARR. I thank the gentleman for his moderation.

Mr. GRANDY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. ArCOIN).

Mr. ArCOIN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Iowa, my friend. It is my understanding that under the terms here a recipient of a grant could be an organization.

Mr. GRANDY. If the gentleman will yield, that is true.

Mr. ArCOIN. My concern and the reason I was opposed to the Grandy amendment is that I think a lot of Members have organizations, such as I do in my district, the Oregon Art Institute. We could possibly have three distinct branches of the Oregon Art Institute. Unless the Grandy amendment passes, it could be possible that one branch might be in violation of the law, and then, because it is in violation of the law, every one of the branches, all three branches of this institution would have to be shut down for 3 years to even apply for a grant under NEA. I think that is grossly unfair.

Mr. GRANDY. If the gentleman will yield, that is absolutely correct.

Mr. ArCOIN. I thank the gentleman.

Mr. GRANDY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, under this penalty it is a one size fits all. So again, going to the gallery in Cincinnati, which was just recently found not guilty, had the decision gone the other way that gallery would have been barred for 3 years.

Quite often a gallery is more at risk than an individual, so I think this does provide a lot of our organizations which support us and whom we support the opportunity to provide some compassion with justice.

Mr. ArCOIN. If the gentleman will yield, I support his amendment and compliment him.

Mr. GRANDY. Mr. Chairman, I urge support for the amendment.

Mr. WILLIAMS. Mr. Chairman, I yield myself the balance of my time to say to my friend from Iowa that.

I think that we should try to have any way they wish.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman.

Mr. GRANDY. Mr. Chairman, I accept the gentleman's invitation and I will support the amendment. I think the gentleman from Missouri (Mr. COLEMAN), because like him I would say we have an agreement on a bill, and the gentleman from Iowa would break a part of that agreement. So it is on that basis that I express some mild, I must admit, opposition to what the gentleman wants to do.

I say to my colleagues that as always everybody is free to vote in this Chamber any way they wish.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. GRANDY. I yield to the gentleman from Ohio (Mr. TRAFICANT).

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Mr. WILLIAMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. TRAFICANT asked and was given permission to revise and extend his remarks.

Mr. TRAFICANT. Mr. Chairman, my amendment says that if there has got to be obscenity that we should buy this obscenity in America.

This is a sense of the Congress that says anybody that gets any grants or aid through this bill, they would be encouraged by the Congress to use such funds to buy American-made goods and products.

In addition to that, it says the NEA shall make such notice without making a tremendous burden on the chairman and on our Government.

I think that we should try and remove and plant the seed to use American dollars for American products wherever possible. It does not force anybody. I think it is a good policy. It is an encouragement and it is consistent with our efforts to try and retain our tax dollars.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?
Mr. TRAFICANT. I yield to the gentleman from Montana.

Mr. WILLIAMS, Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we would accept the gentleman’s resolution to encourage America’s artists and art institutions, galleries and museums to buy American.

Mr. RHODES, Mr. Chairman, I will withdraw the amendment.

Mr. TRAFICANT. I yield to the distinguished gentleman from Arizona.

Mr. RHODES. Mr. Chairman, just a point of clarification about the amendment. If a grant applicant desires to create a sculpture or some other work of art out of Italian marble, would he necessarily be precluded from applying for a grant under this amendment?

Mr. TRAFICANT. Not at all. We encourage the recipients to buy American wherever possible, but we do not mandate it.

Mr. RHODES. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) to amend the amendment in the nature of a substitute, as amended, was agreed to.

Mr. TRAFICANT. Under the rule, the Committee rises.

That the amendment offered by the gentleman from Montana [Mr. WILLIAMS], as amended, be adopted.

Mr. Chairman, I will withdraw the amendment.

The Speaker pro tempore rises. Under the rule, the previous question is ordered.

The question is on the amendment. The amendment was agreed to.

The Speaker pro tempore rose. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

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