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Obscenity: Andres Serrano Controversy (1989): Report 04

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HELMS

AMENDMENT NO. _____ Ex. _____ Calender No. _____

Purpose: To prohibit the use of appropriated funds for the dissemination, promotion, or production of obscene or indecent materials or materials denigrating a particular religion.

IN THE SENATE OF THE UNITED STATES- _____ Cong., _____ Sess.

S. _____ (or Treaty _____)

H.R. _____

(title)

- () Referred to the Committee on _____ and ordered to be printed
- () Ordered to lie on the table and to be printed

INTENDED To be proposed by _____

Viz:

At the appropriate place, add the following:

SEC. ____ . Limitations.

None of the funds authorized to be appropriated pursuant to this Act may be used to promote, disseminate, or produce--

(1) obscene or indecent materials, including but not limited to depictions of sadomasochism, homo-eroticism, the exploitation of children, or individuals engaged in sex acts; or

(2) material which denigrates the objects or beliefs of the adherents of a particular religion or non-religion; or

(3) material which denigrates, debases, or reviles a person, group, or class of citizens on the basis of race, creed, sex, handicap, age, or national origin.

*Serial report
re NEA 7/24/89*

appropriations bill and \$160,000 because of a reduction in the special pay rate for guards.

REPAIR, RESTORATION, AND RENOVATION OF BUILDINGS

Appropriations, 1989.....	\$750,000
Budget estimate, 1990.....	2,305,000
House allowance.....	1,905,000
Committee recommendation.....	2,305,000

The Committee recommends an appropriation of \$2,305,000 for the repair and renovation of buildings, a level which is the same as the budget request.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Appropriations, 1989.....	\$4,240,000
Budget estimate, 1990.....	4,700,000
House allowance.....	4,611,000
Committee recommendation.....	4,700,000

The Committee recommends an appropriation of \$4,700,000, the same as the budget estimate and \$89,000 above the House allowance.

The table below shows the Committee action:

	Budget estimate	Committee recommendation	Change
Fellowship program.....	\$1,580,000	\$1,580,000	
Scholar support.....	298,000	298,000	
Public service.....	1,090,000	1,090,000	
General administration.....	754,000	754,000	
Building requirements.....	75,000	75,000	
Conference planning/outreach.....	571,000	571,000	
Space.....	332,000	332,000	
Total.....	4,700,000	4,700,000	

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

Appropriations, 1989.....	\$141,890,000
Budget estimate, 1990.....	142,950,000
House allowance.....	144,205,000
Committee recommendation.....	143,005,000

The Committee recommends an appropriation of \$143,005,000, an increase of \$55,000 above the budget estimate, a decrease of \$1,200,000 below the House allowance, and an increase of \$1,065,000 above the fiscal year 1989 appropriation.

The following table provides a comparison of the budget estimates and the Committee recommendations:

	Budget estimate	Committee recommendation	Change
Arts in education	\$8,600,000	\$8,600,000	
Dance	8,750,000	8,750,000	
Design arts	4,150,000	4,150,000	
Expansion arts	6,500,000	6,500,000	
Folk arts	3,200,000	3,400,000	+\$200,000
Inter arts	4,000,000	4,000,000	
Literature	5,000,000	5,000,000	
Media arts	11,700,000	11,700,000	
Museums	11,200,000	11,200,000	
Music	11,950,000	11,950,000	
Operamusical theater	4,100,000	4,100,000	
Local programs	2,500,000	2,700,000	+200,000
State programs	25,500,000	25,500,000	
Theater	10,700,000	10,700,000	
Visual arts	6,100,000	5,700,000	-400,000
Advancement	1,300,000	1,300,000	
Challenge	300,000	300,000	
Total, regular programs	123,550,000	123,550,000	
Unallocated reduction		-45,000	-45,000
Administrative area:			
Policy, planning, and research	1,000,000	1,000,000	
Administration	18,400,000	18,400,000	
Planning study		100,000	+100,000
Subtotal, administrative areas	19,400,000	19,500,000	+100,000
Total, grants and administration	142,950,000	143,005,000	+55,000

The Committee is well aware of the many concerns expressed over the last few months regarding Federal funding for projects of questionable artistic merit. The Committee has not endorsed the proposal of those who would strike all Federal funding for the arts. Rather, the Committee wishes to reiterate to the Arts Endowment the many concerns expressed both by Members of Congress and the taxpayers whose dollars provide the funding for the National Endowment for the Arts. In its 25-year history, the NEA has awarded approximately 85,000 grants to arts organizations and individuals, of which only a few have raised considerable controversy because of the content of their subject matter. The Committee has not proposed to alter the peer panel review system used by the Endowment. The Committee wishes to emphasize, however, the review and oversight responsibilities inherent in this process. The Endowment must endeavor to make sufficient time and opportunity for review of application materials available to review panels, the National Council on the Arts, and the NEA Chairman, who bears ultimate responsibility and accountability for all grants awarded by the Endowment.

The Committee concurs in the House direction for the National Endowments, both Arts and Humanities, to revise their procedures and guidelines so that subgrants may be awarded only upon approval of the respective chairmen of the endowments. Again, this is another measure of accountability that the NEA and NEH must uphold.

The Committee has reduced the NEA funding by \$45,000, the same amount as the two most recent grant controversies. To ad-

dress these recent controversies, the Committee has included \$100,000 for the National Endowment for the Arts to engage an outside party to conduct an independent review of the process by which the Endowment's grant awards are made. As indicated, the Committee is concerned about the use of taxpayer dollars, as well as the accountability and review conducted by the panel evaluation process. The Committee believes that such a review can offer information useful to the Congress as it considers reauthorization of the Endowment's programs.

The Committee has also included bill language which prohibits the National Endowment for the Arts from issuing a direct grant award for a period of 5 years to either the Southeastern Center for Contemporary Art [SECCA] in Winston-Salem, NC, or the Institute of Contemporary Art at the University of Pennsylvania.

MATCHING GRANTS

Appropriations, 1989	\$27,200,000
Budget estimate, 1990	27,150,000
House allowance	27,150,000
Committee recommendation	27,150,000

The Committee recommends an appropriation of \$27,150,000, the same as the budget estimate and the House allowance, and \$50,000 less than the fiscal year 1989 appropriation. Of this amount, \$12,000,000 is for matching grants and \$15,150,000 is for challenge grants.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

Appropriations, 1989	\$124,300,000
Budget estimate, 1990	126,550,000
House allowance	134,630,000
Committee recommendation	126,550,000

The Committee recommends an appropriation of \$126,550,000, the same as the budget request, and a decrease of \$8,080,000 when compared to the House allowance. The recommendation reflects an increase of \$5,250,000 over the fiscal year 1989 enacted appropriation. The following table provides a comparison of the budget estimate and the Committee recommendation:

	Budget estimate	Committee recommendation	Change
Public programs:			
Media grants	\$9,180,000	\$9,180,000	
Museums and historical organizations	8,900,000	8,900,000	
Public humanities projects	2,300,000	2,300,000	
Humanities projects in libraries	2,800,000	2,800,000	
Education programs	16,200,000	16,200,000	
Fellowships and seminars	15,400,000	15,400,000	
Research grants	17,000,000	17,000,000	
State programs	25,000,000	25,000,000	
Office of Preservation	13,500,000	13,500,000	
Total, program funds	110,280,000	113,280,000	

	Budget estimate	Committee recommendation	Change
Administration.....	16,270,000	16,270,000	
Total, grants and administration.....	126,550,000	126,550,000	

The Committee has not included additional funds, above the request, for preservation work. The Committee notes that additional funds (+\$8,000,000) were provided in fiscal year 1989 for preservation activity. These funds are continued in the fiscal year 1990 request, along with an increase of \$1,000,000. The Committee encourages institutions experiencing problems with the preservation of their collections to participate in the Institute of Museum Services Support for Conservation Program, which awards competitive grants for projects to improve the conservation, care, and management of museums' collections. Projects include such efforts as conservation surveys of collection and environmental conditions to identify institutional needs and priorities, improvement of environmental conditions, training in conservation methods, research in basic conservation techniques, and treatment for stabilization of individual objects.

MATCHING GRANTS

Appropriations, 1989.....	\$28,700,000
Budget estimate, 1990.....	26,700,000
House allowance.....	26,700,000
Committee recommendation.....	26,700,000

The Committee recommends an appropriation of \$26,700,000, the same as the budget request and the House allowance. Included in this mark is \$14,700,000 for Challenge grants and \$12,000,000 in Treasury funds for matching grants.

INSTITUTE OF MUSEUM SERVICES

Appropriations, 1989.....	\$22,270,000
Budget estimate, 1990.....	22,350,000
House allowance.....	23,000,000
Committee recommendation.....	22,350,000

The Committee recommends an appropriation of \$22,350,000, the same as the budget request and an increase of \$80,000 over the fiscal year 1989 enacted level. The Committee recommendation is a decrease of \$650,000 from the House allowance of \$23,000,000.

The Committee has included funding of \$550,000 for the Conservation Assessment Program to help museums address the care and management of their collections. These funds will allow for general conservation surveys to identify institutional needs and priorities, including improvement of environmental conditions, training in conservation methods, research in basic conservation techniques, and treatment for stabilization of individual objects.