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House report
re NEPA

Final Version

101ST CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
101-120

DEPARTMENT OF THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS BILL, 1990

JUNE 29, 1989.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. YATES, from the Committee on Appropriations,
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 2788]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1990. The bill provides regular annual appropriations for the Department of the Interior (except the Bureau of Reclamation) and for other related agencies, including the Forest Service, the Department of Energy, the Smithsonian Institution, and the National Foundation on the Arts and the Humanities.

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requested increased amounts in support of our cultural heritage and development in their budgets, and each year this Committee and the Congress overwhelmingly approved such increases.

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

Appropriation enacted, 1989.....	\$141,890,000
Budget estimate, 1990.....	142,950,000
Recommended, 1990.....	144,250,000
Comparison:	
Appropriation, 1989.....	+2,360,000
Budget estimate, 1990.....	+1,300,000

The amount recommended by the Committee for fiscal year 1990 compared to the budget estimate by activity is shown in the following table:

	(in thousands of dollars)			
	FY 1989 Enacted	Budget Estimates	Committee Bill	Change from Estimates
Grants				
Program Grants	4			
Arts in Education.....	5,600	6,600	5,600	-1,000
Dance.....	6,850	8,750	8,750	+200
Design arts.....	4,200	4,150	4,200	+50
Expansion arts.....	6,600	6,600	6,600	---
Folk arts.....	3,000	3,200	3,200	---
Inter-arts.....	4,100	4,000	4,100	+100
Literature.....	5,000	5,000	5,000	---
Media arts.....	12,000	11,700	12,000	+300
Museums.....	11,400	11,200	11,500	+300
Music.....	12,200	11,950	12,300	+350
Opera-Musical Theater.....	4,200	4,100	4,200	+100
Local Programs.....	2,600	2,500	2,500	---
Theater.....	10,900	10,700	10,900	+200
Visual arts.....	6,100	6,100	6,100	---
Advancement.....	1,200	1,300	1,300	---
Challenge.....	300	300	300	---
Subtotal, Program Grants.....	97,950	98,050	98,650	+600
State programs.....	26,500	26,500	26,000	+500
Subtotal, Grants.....	123,450	123,850	124,650	+1,100
Administrative Areas				
Policy planning and research.....	1,000	1,000	1,000	---
Administration.....	17,440	18,400	18,600	+200
Subtotal, Administrative Areas.....	18,440	19,400	19,600	+200
Total, Grants and Administration.....	141,890	142,950	144,250	+1,300

It is now almost 25 years since the National Endowment for the Arts was established. During the period its work has been performed in a manner that has won the approval of the Congress and the country and has justified the vision of those on the commission who wrote the report preceding passage of the NEA legislation by the Congress in which they said:

The panel is motivated by the conviction that the arts are not for a privileged few but for the many, that their place is not on the periphery of society but at its center, that they are not just a form of recreation but are of central importance to our well-being and happiness.

During its existence, NEA has approved approximately 85,000 grants to arts organizations and to individuals, of which less than 20 have been charged with violating public interest because of frivolity, obscenity, indecency or ethnic disparagement. In other

words, less than ¼ of ¼ of 1 percent of the total number of grants aroused protest.

Recently, the Committee has been made aware of two visual arts grants made by NEA which have aroused great controversy because of the content of their subject matter.

Recently, the Committee has been made aware of two visual arts grants made by NEA which have aroused great controversy because of the content of their subject matter.

In 1985, the question of grant subject matter received the attention of the Subcommittee on Post Secondary Education of the House Committee on Education and Labor, which has legislative jurisdiction over NEA when the subcommittee reviewed a controversial grant which was alleged to be pornographic. That subcommittee was aware of the difficulty of the subject. There was no question that a considerable number of people objected to the use of public funds to subsidize pornographic material. At the same time the subcommittee did not want to approve any provision that would have a chilling effect on freedom of artistic expression, knowing that artists traditionally have explored the outer limits of public acceptance. To meet the challenge that subcommittee recommended that NEA panelists "recommend for funding only applications and projects that in the context in which they are presented, in the experts' view, foster excellence, are reflective of exceptional talent, and have significant literary, scholarly, cultural or artistic merit". That provision is now the law (20 U.S.C. 959).

The art of our country leads the world, attributable in significant measure to the role played by NEA. In every field our artists, our composers, our writers, our musicians are among the greatest because they can work, our musicians are among the greatest because they can work in freedom without the restraints on their thinking and their work which are found in communist countries where the state dictates the artistic paths which must be taken. Citizen art experts make up the peer panels which make funding recommendations, not government employees.

The panelists who approve the grants are among the most informed and highly respected in their artistic fields of endeavor. Their recommendations are submitted to the NEA chairman for consideration and to the National Council on the Arts before they can be approved.

It is important, therefore, that adequate time be made available to both the panelists and the Council in order for the procedures and guidelines to function properly. The Committee is concerned with reports it has received that enough time is not available for the panelists or the Council, that they are rushed because of the ever-increasing number of applications flowing into NEA, and that imperfect reviews of applications are taking place. Obviously, this is grossly unfair to the thousands of applicants whose hopes and dreams are riding with the papers they file. Moreover, it does not permit the Council to meet its responsibilities for giving full consideration to the artistic merits of applications placed before them for review.

Therefore, the Committee directs NEA to make very sure that adequate time and opportunity for review of the applications filed with NEA is made available for both the panelists and the Council.

The Committee had occasion recently to look into the extensive practice by NEA and NEH of making grants to persons or organizations as subgrantors who in turn act as grantors to applicants seeking grants. The authorizing legislation for NEA and NEH provides for no such subgranting procedure. On the contrary, the right to approve grants is given only to NEA and NEH chairmen after due consideration by their councils.

It appears that although NEA and NEH make the usual thorough review of their grants to the subgrantors, neither NEA or NEH makes any review of the subgrantees or of their work or of their applications. That review is left to the subgrantors who make the awards, a delegation of the grantmaking authority that is not recognized in the basic statute.

For that reason, because the Committee believed it was the intent of Congress that all grants be approved in accordance with the procedures in the statute, the Committee seriously considered the adoption of an amendment to the law which prohibited subgranting pending an opportunity to hold hearings on the subject. Discussions were held with the chairmen of NEA and NEH, both of whom were quite emphatic in asserting the necessity of continuing subgranting to the proper administration of NEA and NEH. It became clear that the subject is very complex and that in some cases subgranting may be warranted.

It is also clear that if subgranting is permitted it should be undertaken with procedures that will make the chairmen and councils of NEA and NEH as thoroughly informed and responsible for the subgrants as they are for direct grants.

It appears to the Committee that the objective can be achieved by giving subgrantors authority only to recommend to NEA and NEH awards they propose of final approval. NEA and NEH are directed to amend their procedures and guidelines accordingly.

The State, local and regional programs of the Endowments are exempted from the subgranting procedures enumerated above.

Of the \$124,650,000 recommended for the support of projects and productions pursuant to section 5(c) of the Act not less than 20 percentum shall be available for assistance to States.

MATCHING GRANTS

Appropriation enacted, 1989.....	\$27,200,000
Budget estimate, 1990.....	27,150,000
Recommended, 1990.....	27,150,000
Comparison:	
Appropriation, 1989.....	- 50,000
Budget estimate, 1990.....	

The Committee recommends an appropriation of \$27,150,000, the budget request, for matching grants, of which \$17,150,000 is for challenge grants and \$10,000,000 is for Treasury funds. Treasury funds are used to accomplish the same goals as definite funds provided under the salaries and expenses account except that they require at least a one-to-one match from private monies.

Challenge grants are awarded to cultural institutions or groups of cultural institutions that have demonstrated a commitment to artistic quality and have arts programs of recognized national significance. The funds are used to broaden the base of contributed

support and achieve financial stability. If one takes into consideration the minimum three-to-one matching element of the challenge grants program, the amount of new money which would be available to cultural institutions during the time period for which funds are being provided should exceed \$68,000,000.

NATIONAL ENDOWMENT FOR THE HUMANITIES

The Committee recommends a total of \$161,330,000 for the National Endowment for the Humanities. This represents an increase of \$8,330,000 above the 1989 appropriation and \$8,080,000 above the 1990 request.

GRANTS AND ADMINISTRATION

Appropriation enacted, 1989.....	\$124,300,000
Budget estimate, 1990.....	126,550,000
Recommended, 1990.....	134,630,000
Comparison:	
Appropriation, 1989.....	+ 10,330,000
Budget estimate, 1990.....	+ 8,080,000

The amount recommended by the Committee for fiscal year 1990 compared to the budget estimate by activity is shown in the following table:

	(in thousands of dollars)			
	FY 1989 Enacted	Budget Estimates	Committee Bill	Change from Estimates
Grants				
Program Grants				
Public Programs				
Media Grants.....	9,400	9,180	9,400	+220
Museums and Historical Organizations.....	8,540	8,900	8,900	---
Public humanities projects.....	2,000	2,300	2,300	---
Humanities projects in libraries.....	2,800	2,800	2,800	---
Subtotal, Public Programs.....	22,840	23,180	23,400	+220
Education Programs				
Education programs.....	16,150	16,200	16,200	---
Fellowships				
Fellowships and seminars.....	15,560	15,400	15,560	+160
Research grants.....	16,400	17,000	17,000	---
Subtotal, Program Grants.....	70,950	71,780	72,160	+380
State programs.....	25,000	25,000	26,000	+1,000
Office of Preservation.....	12,500	13,800	19,900	+6,400
Subtotal, Grants.....	108,450	110,280	118,060	+7,780
Administrative Areas				
Administration.....	15,850	16,270	16,570	+300
Total, Grants and Administration.....	124,300	126,550	134,630	+8,080

The Committee recommends an initiative in the Humanities for the Office of Preservation. An increase of \$6,400,000 is provided for matching support for museums, universities and other institutions to assist them in stabilizing collections of material culture and for support of professional conservation training to address the needs of these collections. Testimony before the Committee indicated that the majority of material culture collections are housed in cramped conditions, which not only makes them inaccessible but also threatens their existence.

An increase of \$300,000 has been provided in the administrative area in order to handle the additional workload associated with the new Office of Preservation initiative.