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1993

## Legislative History of the Reauthorization of the National Endowment for the Arts (NEA) (1990): Report 04

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Calendar No. \_\_\_\_\_

103D CONGRESS  
1ST SESSION

# S. 1218

[Report No. 103-\_\_\_\_]

## IN THE SENATE OF THE UNITED STATES

JULY 14 (legislative day, JUNE 30), 1993

Mr. PELL (for himself, Mr. JEFFORDS, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

NOVEMBER \_\_\_\_ (legislative day, \_\_\_\_\_), 1993

Reported by Mr. KENNEDY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

## A BILL

To authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and the Humanities Act of 1965, and the Museum Services Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “~~Arts, Humanities, and~~  
3 ~~Museums Amendments of 1993~~”.

4 **SEC. 2. AMENDMENTS TO THE NATIONAL FOUNDATION ON**  
5 **THE ARTS AND THE HUMANITIES ACT OF**  
6 **1965.**

7 (a) ~~FUNDS AUTHORIZED FOR PROGRAM GRANTS.—~~  
8 Section 11(a)(1) of the National Foundation on the Arts  
9 and the Humanities Act of 1965 (20 U.S.C. 960(a)(1))  
10 is amended—

11 (1) in subparagraph (A)—

12 (A) in clause (i) by striking  
13 “\$125,800,000” and all that follows through  
14 “1993”, and inserting “\$119,985,000 for fiscal  
15 year 1994 and such sums as may be necessary  
16 for fiscal year 1995”;

17 (B) by amending clause (ii) to read as fol-  
18 lows:

19 “(ii) Not less than 27.5 percent of the amount appro-  
20 priated under clause (i) for each of the fiscal years 1994  
21 and 1995 shall be for carrying out section 5(g).”; and

22 (C) in the first sentence of clause (iii) by  
23 striking “For” and all that follows through  
24 “shall”, and inserting “Not less than 7.5 per-  
25 cent of the amount appropriated under clause

1 (i) for each of the fiscal years 1994 and 1995  
2 shall"; and

3 (2) in the first sentence of subparagraph (B) by  
4 striking "\$119,900,000" and all that follows  
5 through "1993", and inserting "\$130,573,000 for  
6 fiscal year 1994 and such sums as may be necessary  
7 for fiscal year 1995".

8 (b) FUNDS AUTHORIZED TO MATCH NON-FEDERAL  
9 FUNDS RECEIVED.—Section 11(a) of the National Foun-  
10 dation on the Arts and the Humanities Act of 1965 (20  
11 U.S.C. 960(a)) is amended—

12 (1) in paragraph (2)—

13 (A) in subparagraph (A)—

14 (i) by striking "1993" the first place  
15 the term appears and inserting "1995";  
16 and

17 (ii) by striking "\$13,000,000" and all  
18 that follows through "1993", and inserting  
19 "\$16,955,000 for fiscal year 1994 and  
20 such sums as may be necessary for fiscal  
21 year 1995"; and

22 (B) in subparagraph (B)—

23 (i) by striking "1993" the first place  
24 the term appears and inserting "1995";  
25 and

1 (ii) by striking “\$12,000,000” and all  
2 that follows through “1993”, and inserting  
3 “\$11,963,000 for fiscal year 1994 and  
4 such sums as may be necessary for fiscal  
5 year 1995”;

6 (2) in paragraph (3)—

7 (A) in subparagraph (A)—

8 (i) by striking “1993” the first place  
9 the term appears and inserting “1995”;  
10 and

11 (ii) by striking “\$15,000,000” and all  
12 that follows through “1993”, and inserting  
13 “\$13,187,000 for fiscal year 1994 and  
14 such sums as may be necessary for fiscal  
15 year 1995”; and

16 (B) in subparagraph (B)—

17 (i) by striking “1993” the first place  
18 the term appears and inserting “1995”;  
19 and

20 (ii) by striking “\$15,150,000” and all  
21 that follows through “1993”, and inserting  
22 “\$14,228,000 for fiscal year 1994 and  
23 such sums as may be necessary for fiscal  
24 year 1995”; and

1           (3) in the last sentence of paragraph (4) by  
2 striking “section 5(1)(2)” and inserting “section  
3 5(p)(2)”.

4           (e) FUNDS AUTHORIZED FOR ADMINISTRATION OF  
5 PROGRAMS OF THE NATIONAL ENDOWMENTS.—Section  
6 11(c) of the National Foundation on the Arts and the Hu-  
7 manities Act of 1965 (20 U.S.C. 960(c)) is amended—

8           (1) in paragraph (1) by striking “\$21,200,000”  
9 and all that follows through “1993”, and inserting  
10 “\$24,466,000 for fiscal year 1994 and such sums as  
11 may be necessary for fiscal year 1995”, and

12           (2) in paragraph (2) by striking “\$17,950,000”  
13 and all that follows through “1993”, and inserting  
14 “\$20,727,000 for fiscal year 1994 and such sums as  
15 may be necessary for fiscal year 1995”.

16           (d) LIMITATIONS ON TOTAL APPROPRIATIONS AU-  
17 THORIZED.—Section 11(d) of the National Foundation on  
18 the Arts and the Humanities Act of 1965 (20 U.S.C.  
19 960(d)) is amended—

20           (1) in paragraph (1) by striking “exceed” and  
21 all that follows through the period at the end, and  
22 inserting “exceed \$174,593,000 for fiscal year  
23 1994.”; and

24           (2) in paragraph (2) by striking “exceed” and  
25 all that follows through the period at the end, and

1 inserting “exceed \$177,491,000 for fiscal year  
2 1994.”

3 **SEC. 3. AMENDMENTS TO THE MUSEUM SERVICES ACT.**

4 Section 209 of the Museum Services Act (20 U.S.C.  
5 967) is amended—

6 (1) in subsection (a) by striking “\$24,000,000”  
7 and all that follows through “1993”, and inserting  
8 “\$28,777,000 for fiscal year 1994 and such sums as  
9 may be necessary for fiscal year 1995”, and

10 (2) in subsection (d) by striking “1993” and in-  
11 serting “1995”.

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “Arts, Humanities, and*  
14 *Museums Amendments of 1993”.*

15 **SEC. 2. AMENDMENTS TO THE NATIONAL FOUNDATION ON**  
16 **THE ARTS AND THE HUMANITIES ACT OF 1965.**

17 (a) *MODIFICATION OF LIMITATION ON USE OF FED-*  
18 *ERAL FUNDS.*—Section 5(g) of the National Foundation on  
19 *the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g))*  
20 *is amended—*

21 (1) *in paragraph (4)(C)—*

22 (A) *by inserting “(i)” after “(C)”;* and

23 (B) *by adding at the end the following:*

24 “(ii) *Notwithstanding any other provision of this sub-*  
25 *section, the amount allotted to a State for the current fiscal*

1 year under this subsection may not be greater than the  
2 amount so allotted to such State for the preceding fiscal  
3 year if—

4           “(I) the amount of State funds to be expended for  
5 such current fiscal year to carry out this subsection  
6 is less than the average annual amount expended by  
7 such State during the most recent preceding period of  
8 3 fiscal years to carry out this subsection; and

9           “(II) the rate of the reduction in the amount of  
10 State funds exceeds the rate of reduction in the aggregate  
11 of all general fund expenditures to be made by  
12 the State in such current fiscal year.”; and

13           (2) in paragraph (5)—

14           (A) by striking “(5) All” and inserting  
15 “(5)(A) Except as provided in subparagraph  
16 (B), all”; and

17           (B) by adding at the end the following:

18           “(B) All amounts allotted under paragraph (3) that  
19 are not made available to a State as a result of the oper-  
20 ation of subsection (g)(4)(C)(ii) shall be allotted to the re-  
21 maining States in equal amounts.”.

22           (b) FUNDS AUTHORIZED FOR PROGRAM GRANTS.—  
23 Section 11(a)(1) of the National Foundation on the Arts  
24 and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)) is  
25 amended—



1           (1) *in subparagraph (A)—*

2                   (A) *in clause (i) by striking “\$125,800,000”*  
3                   *and all that follows through “1993”, and insert-*  
4                   *ing “\$119,985,000 for fiscal year 1994 and such*  
5                   *sums as may be necessary for fiscal year 1995”;*

6                   (B) *by amending clause (ii) to read as fol-*  
7                   *lows:*

8                   “(ii) *Not less than 27.5 percent of the amount appro-*  
9                   *priated under clause (i) for each of the fiscal years 1994*  
10                   *and 1995 shall be for carrying out section 5(g).”;* and

11                   (C) *in the first sentence of clause (iii) by*  
12                   *striking “For” and all that follows through*  
13                   *“shall”, and inserting “Not less than 7.5 percent*  
14                   *of the amount appropriated under clause (i) for*  
15                   *each of the fiscal years 1994 and 1995 shall”;*  
16                   *and*

17                   (2) *in the first sentence of subparagraph (B) by*  
18                   *striking “\$119,900,000” and all that follows through*  
19                   *“1993”, and inserting “\$130,573,000 for fiscal year*  
20                   *1994 and such sums as may be necessary for fiscal*  
21                   *year 1995”.*

22           (c) *FUNDS AUTHORIZED TO MATCH NON-FEDERAL*  
23           *FUNDS RECEIVED.—Section 11(a) of the National Founda-*  
24           *tion on the Arts and the Humanities Act of 1965 (20 U.S.C.*  
25           *960(a)) is amended—*

1           (1) *in paragraph (2)—*

2                   (A) *in subparagraph (A)—*

3                           (i) *by striking “1993” the first place*  
4                           *the term appears and inserting “1995”; and*

5                           (ii) *by striking “\$13,000,000” and all*  
6                           *that follows through “1993”, and inserting*  
7                           *“\$16,955,000 for fiscal year 1994 and such*  
8                           *sums as may be necessary for fiscal year*  
9                           *1995”; and*

10                   (B) *in subparagraph (B)—*

11                           (i) *by striking “1993” the first place*  
12                           *the term appears and inserting “1995”; and*

13                           (ii) *by striking “\$12,000,000” and all*  
14                           *that follows through “1993”, and inserting*  
15                           *“\$11,963,000 for fiscal year 1994 and such*  
16                           *sums as may be necessary for fiscal year*  
17                           *1995”;*

18           (2) *in paragraph (3)—*

19                   (A) *in subparagraph (A)—*

20                           (i) *by striking “1993” the first place*  
21                           *the term appears and inserting “1995”; and*

22                           (ii) *by striking “\$15,000,000” and all*  
23                           *that follows through “1993”, and inserting*  
24                           *“\$13,187,000 for fiscal year 1994 and such*

1                   *sums as may be necessary for fiscal year*  
2                   *1995”; and*

3                   *(B) in subparagraph (B)—*

4                   *(i) by striking “1993” the first place*  
5                   *the term appears and inserting “1995”; and*

6                   *(ii) by striking “\$15,150,000” and all*  
7                   *that follows through “1993”, and inserting*  
8                   *“\$14,228,000 for fiscal year 1994 and such*  
9                   *sums as may be necessary for fiscal year*  
10                  *1995”; and*

11                  *(3) in the last sentence of paragraph (4) by*  
12                  *striking “section 5(l)(2)” and inserting “section*  
13                  *5(p)(2)”.*

14                  *(d) FUNDS AUTHORIZED FOR ADMINISTRATION OF*  
15                  *PROGRAMS OF THE NATIONAL ENDOWMENTS.—Section*  
16                  *11(c) of the National Foundation on the Arts and the Hu-*  
17                  *manities Act of 1965 (20 U.S.C. 960(c)) is amended—*

18                  *(1) in paragraph (1) by striking “\$21,200,000”*  
19                  *and all that follows through “1993”, and inserting*  
20                  *“\$24,466,000 for fiscal year 1994 and such sums as*  
21                  *may be necessary for fiscal year 1995”; and*

22                  *(2) in paragraph (2) by striking “\$17,950,000”*  
23                  *and all that follows through “1993”, and inserting*  
24                  *“\$20,727,000 for fiscal year 1994 and such sums as*  
25                  *may be necessary for fiscal year 1995”.*

1           (e) *LIMITATIONS ON TOTAL APPROPRIATIONS AU-*  
2 *THORIZED.*—Section 11(d) of the National Foundation on  
3 *the Arts and the Humanities Act of 1965 (20 U.S.C. 960(d))*  
4 *is amended—*

5           (1) *in paragraph (1) by striking “exceed” and*  
6 *all that follows through the period at the end, and in-*  
7 *serting “exceed \$174,593,000 for fiscal year 1994.”;*  
8 *and*

9           (2) *in paragraph (2) by striking “exceed” and*  
10 *all that follows through the period at the end, and in-*  
11 *serting “exceed \$177,491,000 for fiscal year 1994.”.*

12           (f) *INVESTIGATION AND REPORT.*—Not later than Sep-  
13 *tember 30, 1995, the Chairperson of the National Endow-*  
14 *ment for the Arts shall—*

15           (1) *conduct an investigation of State compliance*  
16 *with section 5(g)(4)(C)(i) of the National Foundation*  
17 *on the Arts and the Humanities Act of 1965 (20*  
18 *U.S.C. 954(g)(4)(C)(i)); and*

19           (2) *submit to the Speaker of the House of Rep-*  
20 *resentatives and the President pro tempore, a report*  
21 *containing—*

22                   (A) *the results of such investigation; and*

23                   (B) *any information and recommendations*  
24 *as the Chairperson considers to be appropriate.*

1 **SEC. 3. AMENDMENTS TO THE MUSEUM SERVICES ACT.**

2 *Section 209 of the Museum Services Act (20 U.S.C.*  
3 *967) is amended—*

4 *(1) in subsection (a) by striking “\$24,000,000”*  
5 *and all that follows through “1993”, and inserting*  
6 *“\$28,777,000 for fiscal year 1994 and such sums as*  
7 *may be necessary for fiscal year 1995”; and*

8 *(2) in subsection (d) by striking “1993” and in-*  
9 *serting “1995”.*