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Legislative History of the Reauthorization of the  
National Endowment for the Arts (NEA) (1990)

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1993

## Legislative History of the Reauthorization of the National Endowment for the Arts (NEA) (1990): Report 06

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## ARTS, HUMANITIES, AND MUSEUMS AMENDMENTS OF 1993

Mr. Kennedy, from the Committee on Labor and Human Resources, submitted the following

### REPORT

(to accompany S. 1218)

The Committee on Labor and Human Resources, to which was referred the bill (S. 1218) to amend the National Foundation on the Arts and Humanities Act of 1965 to extend the authorization of appropriations for fiscal years 1994 and 1995, having considered same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

### FINDINGS (insert)

### PURPOSE

It is the purpose of S. 1218 to modify the existing National Foundation on the Arts and Humanities Act to provide for an extension of authorizations for the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH) and the Institute of Museum Services (IMS) for two fiscal years though fiscal year 1995. In addition, these amendments provide the stipulation that the National Endowment for the Arts will not increase its direct grant to any State which has decreased its own funding for the arts if the State's current year funding for the arts is less than the average annual amount the state spent on the arts during the three most recent years. A State's basic grant would only be capped in cases where cuts in a State's arts programs are disproportionate to cuts made in other non-mandatory programs.

### LEGISLATIVE HISTORY

The National Foundation on the Arts and Humanities was established by Public Law 89-209 in 1965. The original Act was preceded by the National Arts and Cultural Development Act of 1964 (Public Law 88-579), which established a National Council on the Arts. The National Council on the Arts was transferred to the National Endowment for the Arts when the National Foundation on

the Arts and Humanities Act became law in 1965. The National Foundation on the Arts and Humanities is currently composed of the National Endowment for the Arts (and its National Council on the Arts), the National Endowment for the Humanities (and its National Council on the Humanities), the Federal Council on the Arts and Humanities and the Institute of Museum Services (and its National Museum Services Board).

The National Foundation on the Arts and Humanities Act was subsequently amended in 1967 by Public Law 90-83; in 1968 by Public Law 90-348; in 1970 by Public Law 91-346; in 1973 by Public Law 93-133; in 1976 by Public Law 94-462 and Public Law 94-555; in 1980 by Public Law 96-496; in 1984 by Public Law 98-306; in 1985 by Public Law 99-194; in 1986 by Public Law 99-362; in 1989 by Public Law 101-121 and in 1990 by Public Law 101-512. The major reauthorizations occurred in 1968, 1970, 1973, 1976, 1980, 1985 and 1990.

The Museum Services Act was first enacted as Title II of the Arts, Humanities and Cultural Affairs Act of 1976 (Public Law 94-462). The Act was subsequently amended in 1980 by Public Law 96-496; in 1984 by Public Law 98-306; in 1985 by Public Law 99-194 and in 1990 by Public Law 101-512.

The Arts and Artifacts Indemnity Act, "an Act to provide indemnity for exhibitions of artistic and humanistic endeavors," was enacted in 1975 by Public Law 94-158 and later amended by Public Law 99-194. The Federal Council on the Arts and Humanities was given authority to make agreements against loss or damage to art objects and artifacts.

#### COMMITTEE ACTION

On May 5, 1993, the Administration transmitted to Congress proposed legislation to extend the authorization of appropriations for the National Endowment for the Arts, the National Endowment for the Humanities and the Institute for Museum Services for a period of two years through September 30, 1995. The authority for these agencies expired on September 30, 1993.

On June 14, 1993, Senator Pell (on behalf of himself and Senator Jeffords) introduced S. 1218, the Arts, Humanities, and Museums Amendments of 1993, a bill to reauthorize the National Foundation on the Arts and Humanities Act of 1965 and the Museum Services Act.

Because this legislation provided for a simple straight extension for a two period of existing authority, there were no hearings held by the Subcommittee on Education, Arts and Humanities.

The bill, S. 1218, was referred to the Committee on Labor and Human Resources which met on November 3, 1993 to consider it. An amendment in the nature of a Committee substitute amendment was offered by the Chairman, Senator Kennedy. This amendment, which retained language providing for a two year extension, was expanded to include language that addresses funding of state arts councils. This language stipulates that the National Endowment for the Arts will not increase its direct grant to any state which has decreased its own funding for the arts if the State's current year funding for the arts is less than the average annual amount the State spent on the arts during the three most recent years. The amendment also provides that a State's basic grant would be capped only in cases where cuts in a State's arts programs were disproportionate to cuts made in other non-mandatory programs.

The Committee accepted the amendment in the nature of a substitute by a voice vote. The Committee then proceeded to report the bill to the Senate by a voice vote.