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Reauthorization: S. 2724 (1990): Report 11

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Summary
Coleman-Gunderson Republican Alternative
Reauthorization of the National Endowment for the Arts

I. Resource Allocation:

- 60 percent of program grant funds to be distributed to the states

Distribution to the states:

- 40 percent, doubling Basic State Grant (BSG) to \$400,000, with a provision that States must expand activities to fund types of arts projects formerly funded by the NEA at national level. In disbursing Federal funds, states must adhere to same obscenity standards as NEA. Additionally, states are required to use expanded federal funding for arts education programs and arts activities which were formerly funded in full by the NEA. Provision includes a "maintenance of effort" provision, insuring that states do not reduce state funding for arts as a result of receiving increased federal funding,
- 20 percent to States through a discretionary grant program administered by the Chairman of NEA to the states for expanded access to arts through rural and inner-city arts programs.

II. Restructured Federal Role:

- New program priorities include:
 - Challenge Grant program for projects and productions which have substantial national or international significance (3 to 1 match by private dollars).
- Broadened access through expanded programming for the public through film, radio, television productions, and other similar media.
- Assistance to "developing arts organizations" of high artistic promise and which can expand public access to the arts. Funds for expanding and improving programming, as well as providing technical assistance to improve managerial and organizational skills and fiscal planning.
- Funding for a demonstration grant program in arts education and for the dissemination of exemplary arts education programs.

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III. Procedural ReformsPanels

--Broaden the number of panelists who review grant application to include representatives of all geographic regions; "knowledgeable lay-persons" who are not artists or members of arts organizations.

--Limit, to 3 years, the continuous service of any member of a panel or combination of panels, require an annual turnover of fifty percent of members of a individual panel, and require a minimum of 1 year before panelist may serve again on any panel.

--Open panels to the public, and require the keeping of records of panel meetings and decisions.

--Panels shall not recommend funding any project which is obscene.

--Panels make recommendations to Chairperson only on the basis of the artistic merit. Panels are prohibited from making any recommendation regarding the amount of financial assistance.

Grant-making Reforms

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

--Tie disbursement of grant award to compliance with grant award's conditions and terms. Two-thirds of grant amount in first disbursement.

--Require an interim report; annual reports for multi-year grants. Final one-third of grant amount disbursed upon evaluation and approval of interim report/s.

--Final report required within 90 days of the completion of the grant award period.

--Penalties for not fulfilling the terms and conditions of contract include termination of contract; the repayment of the grant funds; and suspension from future eligibility for funding for not less than 3 years.

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IV. Assurances to Congress

--The Chairman shall assure Congress that any grant, or other support for the arts, demonstrates a commitment to artistic excellence that is sensitive to the nature of public sponsorship and to the cultural heritage of the United States, its religious traditions, or racial or ethnic groups, and does not violate prevailing standards of obscenity.

V. Prohibition of funding of Obscene Works

--The Chairman of the Endowment is prohibited from funding projects or exhibitions which are deemed by him to be obscene, based on the Miller v. California standard.

This prohibition is limited to works that--

(1) when taken as a whole, the average person, applying contemporary community standards, would find appeals to the prurient interest;

(2) depicts or describes sexual conduct in a patently offensive way; and

(3) taken as a whole, lacks serious literary, artistic, political, or scientific values.

--If the Chairman determines (through interim or final reports, or from information from other sources) that a work, supported by Endowment funds, may be in violation of the obscenity provision, the grantee will be notified by letter of such determination. The grantee must provide the Endowment with comprehensive written justification of the work/s, with supporting documentation. After a review of this information, the Chairman will notify the individual grantee or organization of his determination.

If the Chairman determines that the work is obscene, further disbursement of grant awards are halted, and the Endowment will recoup all grant funds. The grantee may appeal this administrative decision and action to a Federal District Court in the district in which the grantee resides or where the work was produced (theatre, dance) or exhibited (visual arts).

VI. GAO Report to Congress

The General Accounting Office will report to Congress within six months of the date of enactment a study of the NEA's program staffing policies and practices.