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Reauthorization: S. 2724 (1990): Report 21

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AMENDMENT NO. _____

Calendar No. _____

Purpose: To amend the National Endowment of the Arts and Humanities Act of 1965 to provide sanctions.

IN THE SENATE OF THE UNITED STATES—101st Cong., 2d Sess.

(no.) _____

(title) _____

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 At the appropriate place in the bill, insert the follow-
- 2 ing:
- 3 SEC. ____ SANCTION.

4 Section 10 of the Act is amended by inserting at the
5 end thereof the following new subsection:

6 "(g)(1) The Chairperson shall establish sanctions for
7 recipients of funds under this Act whose project or produc-
8 tion is obscene, as determined ~~in accordance with State~~
9 law.

by a court, after final
decision of a court
in the state of (states in which the project
only test should be
court - after appeals - state law)
(This court would apply)

was produced

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cont

S.L.C.

1 “(2) The Chairperson shall establish procedures to
 2 pay the attorney's fees of any plaintiff who successfully
 3 brings an action against any recipient of funds under this
 4 Act whose project or production is obscene, as determined
 5 in accordance with State law.

and vice versa if decision is in favor of NEA

Court should decide

6 “(3) The sanctions described in paragraph (1) shall
 7 include, ~~but not be limited to~~, repayment of the total
 8 amount of the funds received under this Act within 90 days
 9 of such determination, and ineligibility for assistance under
 10 this Act for a period of not less than 10 years.

used for the project decided by the courts

any grant? a reasonable period decided by the court.

11 “(3) The Chairperson shall ensure that all recipients
 12 of assistance under this Act are subject to the sanctions
 13 described in paragraph (1).

(3 years) extreme bill-rottaunder?

14 “(4) In carrying the provisions of this section the
 15 Chairperson shall consult with the National Council on the
 16 Arts.”

gmd

(3) a) repayment of the funds