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Congressional Arts Caucus

UPDATE #13
Sept. 14, 1990
101st Congress
2nd Session

SENATE COMMITTEE APPROVES COMPROMISE, SUBSTITUTE AMENDMENT ON NEA REAUTHROZIATION

By a vote of 15-1, the Senate Labor and Human Resources Committee (Edward Kennedy, D- MA, Chairman) passed a substitute amendment to S 2724 which reauthorizes the National Endowment for the Arts (NEA), National Endowment for the Humanities (NEH) and Institute of Museum Services (IMS). The amendment represents a significant compromise between majority and minority members of the Committee and, while mandating that monies be returned should a grant be found by the Courts to have been used in violation of obscenity laws, the amendment does not contain restrictions on the content of NEA grants.

In presenting the amendment, Sen. Kennedy urged that "the stifling of minority views is not what America is about -- it is certainly not what the arts are about." Ranking Minority Committee Member Orrin Hatch (R-UT) added that the amendment reflects "responsibility to the taxpayers we represent" while recognizing that "Congress cannot effectively micromanage matters that are inherently subjective."

The amendment includes the following provisions:

- Directs the Chairperson of the NEA to establish sanctions for groups or individuals who have been found by the courts to have used NEA funds in violation of obscenity or child pornography laws. The sanctions include repayment of the funds and ineligibility of the individual or organization for at least three years and extends these provisions to to the sub-granting process;
- Calls for: greater geographic, aesthetic, ethnic and minority representation on the peer review panels through the creation of a "panelist bank" containing names of both qualified arts professionals and knowledgeable lay persons; establishment of standardized panel procedures; increased use of site visitations; requirement of verbatim record of panel deliberations, yearly panel rotations and open National Council for the Arts meetings; -more-

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345 House Annex #2
Washington, D.C. 20515
(202) 226-2456
FAX: (202) 225-9470

- Provides new emphasis on arts education, creates a National Arts Education Advisory Board and allocates \$10 million for these purposes;
- Establishes a multi-cultural, "unprecedented national celebration of American arts and culture" called the "American Arts Celebration" and authorizes \$10 million for its implementation for fiscal year (FY) 1991; and
- Authorizes \$195.250 million for the NEA, \$165 million for the NEH and \$24 million for the IMS for FY '91 and "such sums as may be necessary" for each year through 1995.

It is unclear at present when the bill will come to the Senate floor.

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HOUSE PASSES KENNEDY CENTER ACT AMENDMENTS

On Monday, September 12, the House passed H.R. 5070, which amends the John F. Kennedy Center Act and authorizes appropriations for maintenance, repair, alteration, and other services. For FY '91, the bill authorizes \$6.75 million for maintenance and operating services and \$15 million to begin a two-year program to eliminate the backlog of deferred maintenance. For FY '92 these figures will increase to \$9.8 and \$15.5 million, respectively.

Chairman Anderson stated that the maintenance of the Kennedy Center, as a Federal Government building, is the government's responsibility. Rep. John Paul Hammerschmidt (R-AZ), cosponsor of the bill, cited the House Public Buildings and Grounds Subcommittee (Doug Bosco, D-CA, Chairman) report finding that responsibility for capital improvement to the Center had never been specifically assigned. Thus the bill requires that the Secretary of the Interior (through the National Park Service) and the Board of Trustees of the Kennedy Center come to a new cooperative agreement clarifying the responsibilities of each for the physical care and operation of the Center.

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SENATE PASSES TREASURY-POSTAL SERVICE APPROPRIATIONS BILL

On September 11, the Senate passed the Treasury-Postal Service Appropriations Bill (H.R. 5241), funding the Postal Revenue Forgone Subsidy at \$470,592,000. The measure is scheduled to go before a Conference Committee to resolve the \$14 million discrepancy between the Senate figure and the \$484,592,000 approved by the House of Representatives on July 13th.

The House figure of \$484,592,000 represents a United States Postal Service estimate of funds necessary to maintain current preferred rates until completion of the pending general rate increase, expected in February. The Revenue Forgone Subsidy represents the difference between actual postal rates and reduced rates used by nonprofit mailers. A subsidy of \$484,592,000 would maintain the current nonprofit mailing rates (in cents per piece) of 8.4 for required presort, 7.6 for five digit presort and 5.3 for carrier route presort.

HIGHLIGHTS

I. ARTS EDUCATION

An Arts Education program is created within the NEA which will provide funds to assist artists and teachers of the arts in career development; improve evaluation and assessment of arts education programs; and support art residencies, technology, and research. An Arts Education Advisory board is created to coordinate arts education research and improvement efforts, and to encourage other Federal and State agencies in the area of arts education.

In the event that total appropriations exceed \$175 million for NEA, \$10 million is authorized for this program in FY 1991 and "such sums" thereafter.

II. NEA ADMINISTRATIVE PROVISIONS

The following provisions are made for the NEA:

(1) Assurance that each panel has wide geographic, aesthetic, ethnic and minority representation through the creation of a panelist bank of experts and knowledgeable lay persons for selection to panels.

(2) Requirement of site visits on applicants.

(3) Requirement that a verbatim record be kept of panel deliberations and recommendations.

(4) Requirement that panel membership change substantially, with no appointment to exceed three years.

(5) Requirement that all meetings of the National Council on the Arts be open to the public.

The Chairperson of the NEA is authorized to establish sanctions for applicants receiving funds who produce or support projects found to be obscene or in violation of child pornography laws, as determined by a court decision after final appeals in the State or States in which the projects were exhibited. These sanctions may include the mandatory repayment of funds issued and a three year bar on grant application.

III. AMERICAN ARTS CELEBRATION

A series of regional, multi-cultural arts festivals is authorized to celebrate the diversity and creativity of the American artistic genius. \$10 million is authorized for this program.

IV. LANDSCAPE DESIGN AND ASSESSMENT

The NEA is directed to provide matching grants to states, local governments, and private groups to identify and prepare comprehensive plans for future use of significant American landscapes.

V. AUTHORIZATIONS

NEA: \$175 million for FY'91, such sums for FY'92-'95; plus \$10 million for Arts Education in FY'91, \$10 million for American Arts Celebration for FY'91, \$250,000 for Federal Council study on arts funding.
NEH: \$165 million for FY'91, such sums for FY'92-'95.
IMS: \$24 million for FY'91, such sums for FY'92-'95.