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We have had three preliminary meetings on the reauthorization at staff level.

Participants: Greg Fusco, L. Biddle -- Senate
 Jack Duncan (Brademas) -- House
 Marty LaVor (Al Quie)

There are four differences between the Senate and House bills, which we could not resolve, other than to pinpoint them as the issues of the Conference:

1. State Humanities Programs.

A. You'll recall the Senate bill (with final Javits amendment) provides the States with four options for their State-based programs. They can choose:

- a. an existing State Arts and Humanities program (11 States)
- b. a new "entity" which would be just for the Humanities
- c. an existing State committee (set up under Berman) which would phase in a plan to have a majority of its members appointed by the State governor within 3 years
- d. an existing State committee (this is the Javits amendment) provided that it establish an appropriate grievance procedure to take care of complaints. This procedure would require State involvement -- i.e. the State would have to approve the procedure, and major complaints would be adjudicated at a State level.

Senate → The main point here is that the State chooses among these options. The State designates which of the above will conduct its program -- only one option can be designated.

B. The House bill provides for ~~two~~³ options -- a new or existing State-run program (as in the case of the 11 States above which have joint Arts and Humanities programs)... OR a State committee (set up by Berman, provided it have two members appointed by the governor.)

House → The main point here is that Berman (the Chairman) chooses among these options -- and only one can be selected.

The House people argue that their bill guarantees funding for the State programs in law for the first time (true), and that there is some gubernatorial input (true) -- but under the House bill the present status quo could be readily continued... Under our bill, the States would decide if they wanted to continue an existing structure, or change it... The Humanities constituency has been lobbying hard for the House version.

2. Funding levels.

These two tables show the levels in the two bills:

Senate

COST ESTIMATE

In compliance with Section 252(a) of the Legislative Reorganization Act, the Committee estimates the following costs will be incurred in carrying out the provisions of this legislation.

[In millions of dollars]

	1977	1978	1979	1980
Title I:				
Endowment for the arts.....	100 ^(A)	115 ^(A)	(C)	(C)
Endowment for humanities.....	90	105	(C)	(C)
Title II: Museum services.....	15	25	(C)	(C)
Title III: Arts challenge grant program.....	15	20	(C)	(C)
Title IV: Arts education program.....	10	10	(C)	(C)
Title V:				
Humanities challenge grant program—Pt. A.....	15	20	(C)	(C)
Photo and film project—Pt. B.....	5	5	(C)	(C)
Total.....	250	300	(C)	(C)

¹ Such sums.

House

	Fiscal year—			
	1977	1978	1979	1980
Authorization amounts:				
<i>Museums</i> → Title I.....	220 [*]	252	(C)	(C)
Title II.....	15	25	(C)	(C)
Title III.....	15	20	(C)	(C)
Total.....	250	297	(C)	(C)

¹ Such sums as may be necessary.

* Note: the House bill divides evenly sums for the two Endowments:

FY, '77 -- Arts, \$110 million
 Humanities, \$110 million

FY, '78 -- Arts, \$126 mil.
 Humanities, \$126 m.

(A) The Senate figures reflect a \$10 million difference for the 2 years between Arts and Humanities with the Arts getting \$10 million more.

Title II -- Museum services is the same in both bills re funding \$15 mil. for FY '77, \$25 mil. for FY '78.

no diff

Title III -- in the Senate bill is just for Arts (Special Challenge Program). In the House bill the Special Challenge Program is for Arts and Humanities. Each shares in House version. Levels are the same in both bills.

H

Funding Levels (Continued)

Title IV -- Senate has Arts Education program (\$10 mil. each yr.)
Would be run by the Arts Endowment.
(House bill has nothing comparable)

Title V -- Senate bill has separate Bicentennial- directed
Humanities challenge program. This is the Rockefeller
proposal (for a reaffirmation of our founding
PART A principles, etc.) Funding is the same as for the
Arts challenge program in the Senate bill --
\$15 mil. for FY '77 and \$20 mil for FY '78.

PART B Senate bill has a special (\$5 mil. per year)
photography and film project, to make a Bicentennial-
period portrait of the United States... Program
would be conducted essentially by State arts councils
at the State level (it's supported by RI)... It
stems from Senator Mondale's particular interest
in this area. He has held special hearings on this
concept (originally as a CETA program)... He
requested inclusion of the proposed program in the
present legislation.

Note: All above funding levels are made "such sums as" for
FY '79 and '80... The bill is thus a FOUR YEAR REAUTHORIZATION.

Note also: For the first two fiscal years, the Senate and
House totals are virtually identical -- \$250 mil. for FY '77
\$300 mil. (Senate for FY '78; \$297 mil. (House for FY '78)

* * * * *

3. Museums --

Both bills provide for AN INSTITUTE FOR MUSEUM SERVICES

Senate Bill (Javits amendment) places this Institute
within the National Foundation on the Arts and the Humanities.

House Bill places the Institute within HEW.

The House position appears very set on this issue, particularly because
Mr. Quie has stated that he will only support a museums program under HEW...
John Brademas agreed with this arrangement (it was the location -- faut de mieux --
in the legislation of years gone by.)

4. Humanities Bicentennial Challenge Program... You'll recall that this program originated from discussions we had earlier in the year with John Rockefeller... that Sen. Mathias introduced legislation with Pat Shroeder in the House (from Bicentennial-related Congressional vantage points)... that the Arts and Humanities Subcomm. conducted special hearings in April on the subject matter -- and that Sen. Javits proposed the legislative format to include this in the reauthorization.

It would serve to--

focus attention on the needs brought out in the hearings

provide the Humanities Endowment with their own challenge grant area.

The House bill contains nothing similar. As noted above it provides a Challenge Program (under a new Title) for the Arts and Humanities together. In many ways, this latter arrangement seems administratively difficult.

House
Bill }

Our Senate solution appeared to resolve satisfactorily the concerns of Rockefeller, the Humanities Endowment, and many who are disturbed by the failure of the present BiCent. celebration to leave behind any permanent contribution to the future development of the country.

But... The legislation (Part A -- Title V of the Senate bill) appears now in trouble in the House.

This seems caused by --

Rockefeller not doing his homework on the House side;
Berman's balking at the concept -- he seems to feel it is limiting.

Note: Before the Conference, some difficulties on this program may be cleared up. There are to be some added meetings, not awith us, but with other principals involved.

More manageable Problems...

Arts Education (Title IV of the Senate bill) (Not in the House bill) This stemmed from wishes expressed to us by Roger Stevens and Jean Kennedy Smith who runs the Alliance for Arts Education emanating from the Kennedy Center, also from Bud Arberg, Arts and Humanities director at OE... and from convictions that an investment here could be one of the very best features of the bill, in building a new awareness for the values of the arts and more knowledgeable and appreciative future audiences as well as participants... The program was to be conducted by the Arts Endowment, where there is considerable expertise, as Sen. Javits pointed out at the mark-ups.

We have had some critiques, chiefly that the Arts Endowment is not the right place for the program, that it should go to OE.

Bicentennial Photo and Film Project... At the moment there is no great enthusiasm on the House side for this one. While a one-shot project, or one which could be shortened in the legislation, it does suggest the old "line-item" bugaboo for one particular art form. If it is to survive, it will need vigorous defense.

Other more minor differences:

1. Surplus Federal personal property — Our Senate bill makes it possible for Arts and Humanities grantees to receive this kind of property in connection with their grants... Many feel this would save money for the taxpayer, because of the differential in cost... We have a number of letters which emphasize this aspect... But, both houses are working on comprehensive legislation to deal with surplus property generally. We may want to defer on this one.

2. Both bills remove a restriction on the Arts Endowment with regards to support of arts activities abroad. The Senate bill (Hathaway amendment) does not go as far as the House. The House would permit support of activities outside the United States without qualification if they are, of course, of American origin. The Senate bill ties in a self-improvement factor. An arts group could only be supported for a foreign tour, for example, if such a tour would serve to increase the stature of the company and thus improve the arts in the United States when the company returned... This seems a fairly flexible point, which could be resolved in report language.