

6-21-1976

Technical Assistance Bill (1976): Correspondence 01

Robert Wade

Follow this and additional works at: https://digitalcommons.uri.edu/pell_neh_II_62

Recommended Citation

Wade, Robert, "Technical Assistance Bill (1976): Correspondence 01" (1976). *Technical Assistance Bill (1976)*. Paper 1.

https://digitalcommons.uri.edu/pell_neh_II_62/1 https://digitalcommons.uri.edu/pell_neh_II_62/1

This Correspondence is brought to you for free and open access by the Education: National Endowment for the Arts and Humanities, Subject Files II (1962-1996) at DigitalCommons@URI. It has been accepted for inclusion in Technical Assistance Bill (1976) by an authorized administrator of DigitalCommons@URI. For more information, please contact digitalcommons@etal.uri.edu.

NATIONAL
ENDOWMENT
FOR
THE ARTS

WASHINGTON
D.C. 20506



A Federal agency advised by the
National Council on the Arts

June 21, 1976

Mr. Martin L. LaVor
Senior Legislative Associate
House Committee on Education and Labor
2179 Rayburn House Office Building
Washington, D. C. 20515

Dear Marty:

This is in response to your request for technical assistance on H.R. 12838 and S. 3440. This letter does not represent official administration views.

TITLE I - ARTS AND HUMANITIES (Sec. 101)

1. State Humanities Councils. Sec. 101, House bill, Sec. 104, Senate bill)

With regard to the provisions dealing with the establishment of State Humanities Councils, the Arts Endowment defers to the views of the National Endowment for the Humanities.

2. Payment of Performers. (Sec. 105 of both bills)

Regarding payment of performers and supporting personnel under projects supported by the National Endowment for the Humanities, the Endowment, while deferring ultimately to the views of the Humanities Endowment, notes that the proposed new Section 7(g) is essentially identical to Section 5(j) of the present Act relating to the Arts Endowment.

3. Support of Arts Endowment Projects "in the United States." (Sec. 102, House bill, Sec. 101, Senate bill)

Both bills amend the current language of the National Foundation on the Arts and the Humanities Act which requires that Arts Endowment supported projects and productions be "in the United States." The House bill amends the Act by simply striking the phrase "in the United States" from Section 5(c). The Senate bill adds to Section 5(c) the following language:

"(except that grants and contracts may be made to include international activities provided that the primary purpose of such grants and contracts is to support the arts in the United States)".

It is our understanding that the purpose of this amendment is to bring the Arts Endowment's enabling provisions (Sec. 5(c)) into conformity with those of the Humanities Endowment (Sec. 7(c)). The House recommendation accomplishes this, while the Senate's version would continue to impose the restrictive limitation on the Arts Endowment.

TITLE II - MUSEUM SERVICES (Sec. 201)

Both bills provide for the establishment of a new Institute of Museum Services. The House bill would place such an Institute in the Department of Health, Education, and Welfare, while the Senate version would place it within the National Foundation on the Arts and the Humanities. Both bills provide for the creation of a National Museum Services Board as an advisory board to the Institute, and provide for the appointment of a Director by the President with the advice and consent of the Senate.

Under both bills, authority would be provided to the Director, subject to Board "advice" (House bill) or "management" (Senate bill) to make grants to museums to increase and improve museum services.

We have several comments on this title.

1. Director of Institute. (Sec. 205 of both bills)

The Director of the Institute would be appointed by the President with the advice and consent of the Senate and would serve at the pleasure of the President. This differs from the approach adopted in the National Foundation on the Arts and the Humanities Act of 1965, which provides four-year terms for the chairmen of the Arts and Humanities Endowments.

The House bill also provides for the appointment of a Deputy Director by the President, while the Senate version does not.

Assuming that the final legislation does provide for the appointment of a Deputy Director, it would not appear necessary that such a Deputy be appointed by

the President. Such a procedure would appear to be cumbersome and unnecessarily complicated, in view of the alternative of having the Deputy Director appointed by the Director.

2. National Museum Services Board - Members. (Sec. 204 of both bills)

With regard to the proposed National Museum Services Board, the two bills vary substantially. Under the House version, the Board would consist of 15 members appointed by the President with the advice and consent of the Senate, who shall be

"broadly representative of various museums, including museums relating to science, history, technology, and art, and including zoos and botanical gardens, of the curatorial, educational, and cultural resources of the United States, and of the general public."

Under the Senate version, the Board shall consist of nine members, including:

"(1) The Chairman of the National Council on the Arts, and two members of the National Council on the Arts selected by the Chairman.

"(2) The Chairman of the National Council on the Humanities, and two members of the National Council on the Humanities selected by the Chairman.

"(3) Three members who are not members of the National Council on the Arts or the National Council on the Humanities appointed by the President, by and with the advice and consent of the Senate."

The Endowment endorses the House provisions with respect to the make-up of the Board. It believes that the two chairmen of the National Councils and four other members of the National Councils who would serve on the Board under the Senate version would have difficulty meeting the responsibilities involved. While the attendance of members at National Council meetings (four or five times per year for three days per session) is high

and their contribution to the Council very substantial and important, it is not without considerable sacrifice and hardship on their part. These distinguished individuals, without exception, occupy important positions in their respective fields and in most, if not all, cases are already members of numerous advisory boards, including other Endowment committees. Thus, it is doubtful they could fulfill in a satisfactory manner the responsibilities of the new post.

3. Board Responsibilities. (Sec. 206 of both bills)

As noted above, the two bills differ in that under the House version the Director is to make grants subject to the advice of the Board, while under the Senate version he is, in such activities, subject to the management of the Board. The House version is identical to the NFAH Act, under which the Arts and Humanities chairmen are authorized to make grants with the advice of the National Councils (Sections 5(c) and 7(c)). Also, it should be pointed out that under the NFAH Act, the National Councils make recommendations on each application for Federal support, as well as on the policies, programs, and procedures of the Endowments (Sections 6(f) and 8(f)).

For these reasons, the Endowment endorses the House approach in this connection.

4. Limitation on Federal Support of Projects. (Sec. 206(b) of both bills.)

Under the Senate bill, grant support by the Institute is not to exceed 50% of the cost of the program for which support is provided, while the House version allows Institute support of up to 75% of the cost of the project. In this connection, it is to be noted that the Senate version with its 50% Federal limitation is consistent with the approach taken in the NFAH Act regarding Arts Endowment project support (Sec. 5(e)).

The Arts Endowment is of the view that the museum field, with respect to the raising of private matching monies, has capabilities and opportunities equal, if not superior, to those of other cultural institutions. It therefore strongly endorses the Senate version of these provisions.

5. Lack of Ceiling on Gift Authority. (Sections 207, 209, House bill, Sections 207, 208, Senate bill)

Under both bills, authority is provided to receive and match private grants, gifts, or bequests of money with

Federal appropriations. However, there is no ceiling on the total of such gifts that may be matched by the Federal monies. It is to be noted that such gift authority, as contained in the NFAH Act, provides a specific ceiling on private gifts that may be matched by Federal funds.

6. Administrative Funds. (Sec. 208, Senate bill, Sec. 209, House bill)

Finally, it should be noted that the Senate version provides authority for administrative monies, whereas the House bill does not. The NFAH Act does authorize administrative funding for the two Endowments.

TITLE III - CULTURAL CHALLENGE PROGRAM (Sec. 301 of both bills)

Both bills provide for the creation of a "Challenge Grant Program," with the purposes of (1) increasing levels of continuing support and the range of contributors to the programs of cultural organizations or institutions; (2) providing administrative management improvements, particularly in the field of long range financial planning; (3) increasing audiences; (4) stimulating better service by such organizations to the communities in which they are located, and (5) fostering greater citizen involvement in their community's cultural development.

The Senate version would create such program authority in the National Endowment for the Arts, which has been testing the feasibility of challenge grants over a period of years. (The Senate version would place other complementary funding in the Humanities. See Title V below.) The House version would create identical cultural challenge programs in both Endowments, which, in our view, could lead to confusion.

Under both bills, Federal support would be held to 50% of the cost of the projects assisted. The Senate version would allow the Chairman, with the advice of the Council, to waive matching requirements up to an amount not exceeding 20 per centum of total monies appropriated, which would be consistent with present Arts Endowment provisions (Sec. 5(e)).

TITLE IV - ARTS EDUCATION PROGRAM (Sec. 403, Senate bill)

The Senate bill authorizes the Chairman of the National Endowment for the Arts to carry out a program of support to

state and local educational agencies, state arts agencies, institutions of higher education, and other appropriate public agencies or nonprofit organizations in connection with art education programs. These include (1) training and retraining programs for art teachers, teaching artists, administrators, and other educational personnel involved in arts education, (2) the conducting of workshops, seminars, etc., and (3) the developing and dissemination of information and material on arts education programs and resources.

The Arts Endowment is presently carrying out an extensive Artists-in-Schools project, but is not conducting any programs of teacher training, or retraining. It is, of course, generally recognized that arts education is important and in need of much improvement.

TITLE V - BICENTENNIAL CHALLENGE GRANTS (Sec. 501, Senate bill)

Part A - The National Endowment for the Arts defers to the views of the National Endowment for the Humanities. However, the Endowment believes that the word "Challenge" would best be deleted from the name of this Title, since it is apt to lead to confusion given the institutional challenge program contained in Title III and referred to above. Since the Bicentennial Program is restricted to the current national celebration and thus is in the nature of a special Bicentennial project, it would appear advisable to rename the title in a manner which would avoid such confusion, i.e., "Bicentennial Grants," "Bicentennial Grant Program," or the like.

Part B - Part B of Title V authorizes the Endowment to establish an "American Bicentennial Photography and Film Project," by assistance to State Arts Agencies to support qualified photography and film projects within their States, and by establishing the National Endowment for the Arts as national coordinator of the national Bicentennial photography and film project.

Of the funds appropriated for this purpose, the first \$3 million are to be allocated to the states in equal amounts and the remainder apportioned to the states on the basis of population. (Section 522(b)) The bill authorizes \$5,000,000 for 1977 and 1978, and such sums as may be necessary for fiscal years 1979 and 1980.

June 21, 1976

We note that the Congressional intent, as expressed in the Senate report, is that this program be limited in scope and time as being directly related to the nation's Bicentennial Celebration. It is the Senate's view that such a survey should be carried out, and that the National Endowment for the Arts is the proper federal entity to coordinate this project. However, certain aspects of the legislation (a partial per capita funding formula, and no mandatory matching requirement), are in variance with the Arts Endowment's enabling legislation. We assume these variations have been adopted with the intended limited scope of the Project in mind.

Also, it would seem advisable that more discretion be given the coordinating Federal agency, for such reasons as the following:

1. Population may not be the only criterion for a variance in funding. Due consideration should also be given to geographic size, geological differences, distribution of population within the state, scope and nature of the project and other extraordinary requirements.
2. The high cost of film production, as compared with photography, might indicate that, given limited funding, film should be excluded.
3. Quality of work to be performed should be given a priority, rather than the employment status of the photographer.
4. It is questionable whether acquisition of equipment should be permitted, as opposed to a more limited funding of acquisition of supplies and materials. (Most serious photographers have their own equipment.)
5. While an appropriate Federal repository is mandated by the legislation, limitation should not be made to the Library of Congress.

I hope these comments are helpful, and am available with Anne Murphy for discussion at your convenience.

Sincerely,

Bob

Robert Wade
General Counsel

cc: Livingston Biddle
Jack Duncan
Gregory Fusco

Rept.
Rept.