March 2017

National Foundation on the Arts and Humanities (1976-1979):
Correspondence 02

Livingston L. Biddle Jr.

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To: Senator

From: LB Apr. 26

You may not want to get into any of this Arts and Humanities tonight -- but it's ready to go, and I thought you might want to glance at it later today.

It's for the Mark-up

Wednesday at 11 a.m.
TO: SENATOR
FROM: LB

Apr. 26

Attached is the Arts and Humanities bill with notations regarding the various sections. If this seems cumbersome, I can prepare it differently -- but on a flat surface it seems to work OK, and it keeps everything together.

The mark-up is for Wedd. at 11 a.m. in Room 4232 as you know.

We have had a number of staff meetings on the bill.

As of last Friday (Apr 23) there was general staff agreement with the following important exceptions. Greg Fusco asked especially that discussion on these controversial areas be deferred at a staff level until Sen. Javits has a chance to discuss them with you personally. I gather he plans to do this in advance of the meeting, but if not it would seem that it's not too likely they can be decided in mark-up. I will keep at this - as we want as quick action as possible.

The controversial areas:

1. State Humanities. In the bill attached, your amendment appears which essentially would grandfather in a new State Humanities council format within the next three years -- or grandfather out the existing program.

   I'm told both Stafford and Taft are most eager to maintain the present status quo -- they have been approached by personal friends on the existing State committees (Sen. Aiken, for one, in Vermont.)

   I think we might win a close vote on this -- but at present Javits would oppose you on it, and this is to be avoided if possible.

   Accordingly Fusco is working on a Javits compromise which he must first show to the Senator.

2. Museums. The House bill puts Museum Services under HEW.

   None of the staff members in the Senate like this -- but Brademas did it for very valid political reasons, unlikely to change and emanating from Al Quie who said he would back the program only under HEW. Fusco is working on a compromise which would put the program under the umbrella of the Arts and Humanities Foundation (but under neither Endowment). I like his plan. He volunteered to take this on, and I gladly accepted, as whatever comes out of the Javits camp on this would have to have clearance from the Arts and Humanities. Provided it's a good solution, it's good to have it come from the Republicans. The concept is yours -- they're merely concerned with the proper place.

3. Parity. This may be the most sticky of all. Brademas bowed to Berman's major push for parity. I know that Javits and Berman have had at least two private meetings -- without staff present. Javits is, as we know, more in favor of the arts -- but he is under lots of pressure.

ATTACHED ARE RECOMMENDED AUTHORIZATIONS AND BACK-UP
Mr. Pell introduced the following bill; which was read twice and referred to the Committee on ____________________

A BILL

To amend and extend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

2 That this Act may be cited as the "Arts, Humanities, and Museum Services Act of 1979".

STATE HUMANITIES COUNCILS

Sec. 2. (a) Section 7 (f) (2) of the National Foundation on the Arts and the Humanities Act of 1965 is amended to read as follows:

"(2) In order to receive assistance under this subsection in any fiscal year, a State shall submit an application for such grants at such time as shall be specified by the Chairman and accompany such applications
with a plan which the Chairman finds--

(A) designates or provides for the establishment of
a State agency (hereafter in this section referred to as
the State agency) as the sole agency for the
administration of the State plan;

(B) provides that funds paid to the State under
this subsection will be expended solely on programs
approved by the State agency which carry out any of the
objectives of subsection (c); and

(C) provides that the State agency will make such
reports, in such form, and containing such information,
as the Chairman may require.''

(b) (1) Section 7 (f) (3) of each Act is repealed.

(2) Paragraphs (4), (5), (6) and (7) of such section 7
(f) are redesignated as paragraphs (3), (4), (5), and (6),
respectively.

(3) Paragraph (8) of such section 7 (f) is repealed.

(c) (1) Section 7 (f) (3) of such Act (as redesignated by
subsection (b)) is amended--
(A) by striking out "grant recipient" each time it
appears and inserting in lieu thereof "State";
(B) by striking out "grant recipients" each time it
appears and inserting in lieu thereof "States";
(C) by striking out "entities" and inserting in
lieu thereof "States and regional groups".
(2) Section 7 (f) (4) (B) of such Act (as redesignated by subsection (b)) is amended by striking out "grant recipient" and inserting in lieu thereof "State agency".

(3) Section 7 (f) (5) of such Act (as redesignated by subsection (b)) is amended by striking out "any entity" and inserting in lieu thereof "a State".

(4) Section 7 (f) (6) of such Act (as redesignated by subsection (b)) is amended--

(A) by striking out "grant recipient" in clause (A) and inserting in lieu thereof "group";

(B) by striking out "grant recipient" in clause (B) and inserting in lieu thereof "State agency";

(C) by inserting "State" before "plan" in clause (B);

(D) by striking out "grant recipient" in clause (C) and inserting in lieu thereof "group or State agency"; and

(E) by striking out "grant recipient" each time it appears in the matter following clause (C) and inserting in lieu thereof "group or State agency".

(5) Section 7 (g) of such Act is amended by striking out "entity" and inserting in lieu thereof "agency".

AUTHORIZATION OF APPROPRIATIONS

Sec. 3. (a) (1) Section 11 (a) (1) (A) of the National Foundation on the Arts and the Humanities Act of 1965 is
amended by striking out "‘year’" and inserting in lieu thereof "‘and 1980’" and inserting in lieu thereof "‘and for each fiscal year ending prior to October 1, 1985’".

(2) Section 11 (a) (1) (B) of such Act is amended by striking out "‘years’" and inserting in lieu thereof "‘year’" and by striking out "‘and 1980’" and inserting in lieu thereof "‘and for each fiscal year ending prior to October 1, 1985’".

(b) Section 11 (a) (2) of such Act is amended by striking out "‘October 1, 1980’" and inserting in lieu thereof "‘October 1, 1985’", by striking out "‘years’" and inserting in lieu thereof "‘year’", and by striking out "‘and 1980’" and inserting in lieu thereof "‘and for each fiscal year ending prior to October 1, 1985’".

(c) (1) (A) The first sentence of section 11 (a) (3) (A) of such Act is amended by striking out "‘October 1, 1980’" and inserting in lieu thereof "‘October 1, 1985’".

(B) The second sentence of such section is amended by striking out "‘years’" and inserting in lieu thereof "‘year’", and by striking out "‘and 1980’" and inserting in lieu thereof "‘and for each fiscal year ending prior to October 1, 1985’".

(2) (A) The first sentence of section 11 (a) (3) (B) of such Act is amended by striking out "‘October 1, 1980’" and
inserting in lieu thereof "October 1, 1985".

(B) The second sentence of such section is amended by striking out "years" and inserting in lieu thereof "year", and by striking out "and 1980" and inserting in lieu thereof "and for each fiscal year ending prior to October 1, 1985".

(d) (1) Section 209 (a) of the Museum Services Act is amended by striking out "fiscal years 1979 and 1980" and inserting in lieu thereof "the fiscal year 1979 and for each of the succeeding fiscal years ending prior to October 1, 1985".

(2) Section 209 (d) of such Act is amended by striking out "1980" and inserting in lieu thereof "1985".

ARTS AT THE LOCAL LEVEL

Sec. 4. (a) Section 5(c) of the National Foundation on the Arts and Humanities Act of 1965 is amended by redesignating clause (5) as clause (6) and by inserting after clause (4) the following new clause:

"(5) programs for the arts at the local level; and"

(b) Section 5(c) of such Act is further amended by striking out "clause (5)" and inserting in lieu thereof "clause (6)".
<table>
<thead>
<tr>
<th>Changes incorporated in Pell Bill S. 1386</th>
<th>Recommended By</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Change in status of State-based Humanities Committees. Compromise can be offered. See separate data on this issue.</td>
<td>Senator Pell</td>
<td>This is perhaps the single most controversial issue of the reauthorization bill. No support for the Pell position has been forthcoming. Sens. Randolph, Eagleton, Stafford expected to oppose Pell. Mail is overwhelmingly against change.</td>
</tr>
<tr>
<td>Adds &quot;local arts agencies&quot; to list of areas worthy of NEA support</td>
<td>National Assembly of Arts Agencies</td>
<td>Support for local arts orgs. is just beginning to take off. This brief mention is a gesture in the right direction. Other competing groups will go along with it since no $$$ is involved.</td>
</tr>
<tr>
<td>Adds phrase &quot;cultural diversity&quot; to general NEA mandate</td>
<td>Administration</td>
<td>A gesture to minority organizations.</td>
</tr>
<tr>
<td>Adds Northern Marianas to the definition of a &quot;State&quot;</td>
<td>Administration</td>
<td>Public Law 94-241 requires the Northern Marianas to be eligible for Federal funds in same manner as other territories.</td>
</tr>
<tr>
<td>Strikes obsolete reference to &quot;District of Columbia Recreation Board&quot;</td>
<td>Administration</td>
<td>Language is obsolete</td>
</tr>
<tr>
<td>Adds paragraph to limit &quot;States&quot; to those several states of the Union and those special jurisdictions with population over 200,000 (i.e. Puerto Rico and D.C.)</td>
<td>Administration</td>
<td>The less populous jurisdictions cannot effectively use the full &quot;Basic State Operating Grant&quot; from the Endowment</td>
</tr>
<tr>
<td>Gives NEA Chairman permission to make interagency agreements</td>
<td>Administration</td>
<td>This is a major thrust of the Federal Council on the Arts &amp; Humanities. Joan Mondale very supportive. ICA, Veterans, GSA and Interior are already involved.</td>
</tr>
<tr>
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<td>------------------------------------------</td>
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<tr>
<td>Repeals Bicentennial Film Project</td>
<td>Administration</td>
<td>Program has never been funded since first authorized in 1976.</td>
</tr>
<tr>
<td>Provides for all Council members to end their respective terms on Sep 3rd</td>
<td>Administration</td>
<td>Will simplify appointment process</td>
</tr>
<tr>
<td>Repeals &quot;loan&quot; authority for NEH</td>
<td>Administration</td>
<td>Loans have never been made by NEH.</td>
</tr>
</tbody>
</table>