National Foundation on the Arts and Humanities: S. 1386 (1979): Report 02

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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, to transfer the Institute of Museum Services to the Smithsonian Institution, and for other purposes.

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

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(b) (1) Section 7 (f) (3) of each Act is repealed.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(3) Paragraph (8) of such section 7 (f) is repealed.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 "States";

(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''.
Sec. 3. Section 9A of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting after ""Fine Arts"" a comma and the following: ""the chairman of the National Museum Services Board"".

AUTHORIZATION OF APPROPRIATIONS

Sec. 4. (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 ""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) 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".

INSTITUTE OF MUSEUM SERVICES, SMITHSONIAN INSTITUTION

Sec. 5. (a) (1) The Institute of Museum Services together with the National Museum Services Board and the Director of the Institute are transferred to the Smithsonian Institution.

(2) Section 203 of the Museum Services Act is amended by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "the Smithsonian Institution".

(b) All personnel, assets, liabilities, contracts, grants, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any
functions transferred under the provisions of subsection (a) are transferred to the Smithsonian Institution.

(c) (1) Except as provided in paragraph (2) of this subsection, personnel engaged in functions transferred under this section shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(2) The transfer of personnel pursuant to subsection (b) shall be without reduction in classification or compensation for one year after such transfer.

(d) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges made, issued, or granted by a part of the Institute transferred by this section or in connection with any function transferred by this section and in effect on the date of enactment of this Act shall continue in effect to the same extent as if this section had not occurred, until modified, superseded, or repealed.

(e) The provisions of this section shall not affect any proceedings pending at the time this section takes effect before the Institute or part thereof parts of which are transferred by this section, but such proceedings to the extent that they relate to such functions shall be continued before the Institute.

(f) No suit, action, or other proceeding commenced by or
against the Institute or any officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this section, but the court on motion or supplemental petition filed at any time within 12 months after such transfer takes effect, showing a necessity for the survival of such suit, action, or other proceeding to obtain a settlement of the question involved, may allow the same to be maintained by or against the appropriate office or officer of the United States.

(g) With respect to any function transferred by this section and exercised after the effective date of this Act, reference in any Federal law to the Institute, or part thereof, or any officer so transferred or functions of which are so transferred shall be deemed to mean the Institute or officer in which such function is vested pursuant to this section.

(h) In the exercise of the functions transferred under this section, the Director shall have the same authority as that vested in the Institute, or part thereof, exercising such functions immediately preceding their transfer, and the actions of the Director in exercising such functions shall have the same force and effect as when exercised by such Institute, or part thereof.

(i) The President may appoint the individual serving as Director of the Institute on the date of enactment of this
Act to serve as Director of the Institute in the Smithsonian Institution.

EFFECTIVE DATE

Sec. 6. The amendments made by sections 2, 3, and 4 of this Act shall take effect on the date of the enactment of this Act, and the provisions made by section 5 of this Act shall take effect 60 days after the date of enactment of this Act.