

University of Rhode Island

DigitalCommons@URI

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

Education: National Endowment for the Arts
and Humanities, Subject Files I (1973-1996)

October 2016

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

Follow this and additional works at: https://digitalcommons.uri.edu/pell_neh_I_65

Recommended Citation

"National Foundation on the Arts and Humanities: S. 1386 (1979): Report 02" (2016). *National Foundation on the Arts and Humanities: S. 1386 (1979)*. Paper 12.
https://digitalcommons.uri.edu/pell_neh_I_65/12

This Report is brought to you for free and open access by the Education: National Endowment for the Arts and Humanities, Subject Files I (1973-1996) at DigitalCommons@URI. It has been accepted for inclusion in National Foundation on the Arts and Humanities: S. 1386 (1979) by an authorized administrator of DigitalCommons@URI. For more information, please contact digitalcommons@etal.uri.edu.

§ 5 (c) —
Change
Committee
Title
§ 5 (g) (4) —
"project" should
be plural

IN THE SENATE OF THE UNITED STATES

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.

1 Be it enacted by the Senate and House of Representatives
2 of the United States of America in Congress assembled,
3 That this Act may be cited as the "Arts, Humanities, and
4 Museum Services Act of 1979".

5 STATE HUMANITIES COUNCILS

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

9 "(2) In order to receive assistance under this
10 subsection in any fiscal year, a State shall submit an

1 application for such grants at such time as shall be
2 specified by the Chairman and accompany such applications
3 with a plan which the Chairman finds--

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

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

12 “(C) provides that the State agency will make such
13 reports, in such form, and containing such information,
14 as the Chairman may require.”.

15 (b) (1) Section 7 (f) (3) of each Act is repealed.

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

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

20 (c) (1) Section 7 (f) (3) of such Act (as redesignated by
21 subsection (b)) is amended--

22 (A) by striking out “grant recipient” each time it
23 appears and inserting in lieu thereof “State”;

24 (B) by striking out “grant recipients” each time it
25 appears and inserting in lieu thereof “States”;

1 (C) by striking out "entities" and inserting in
2 lieu thereof "States and regional groups".

3 (2) Section 7 (f) (4) (B) of such Act (as redesignated by
4 subsection (b)) is amended by striking out "grant
5 recipient" and inserting in lieu thereof "State agency".

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

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

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

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

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

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

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

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

25 FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

(b)
1 Sec. 3. Section 9[^] of the National Foundation on the Arts
2 and the Humanities Act of 1965 is amended by inserting after
3 ``Fine Arts`` a comma and the following: ``the chairman of
4 the National Museum Services Board``.

5 AUTHORIZATION OF APPROPRIATIONS

6 Sec. 4. (a) (1) Section 11 (a) (1) (A) of the National
7 Foundation on the Arts and the Humanities Act of 1965 is
8 amended by striking out ``years`` and inserting in lieu
9 thereof ``year`` and by striking out ``and 1980`` and
10 inserting in lieu thereof ``and for each fiscal year ending
11 prior to October 1, 1985``.

12 (2) Section 11 (a) (1) (B) of such Act is amended by
13 striking out ``years`` and inserting in lieu thereof ``year``
14 and by striking out ``and 1980`` and inserting in lieu
15 thereof ``and for each fiscal year ending prior to October 1,
16 1985``.

17 (b) Section 11 (a) (2) of such Act is amended by striking
18 out ``October 1, 1980`` and inserting in lieu thereof
19 ``October 1, 1985``, by striking out ``years`` and inserting
20 in lieu thereof ``year``, and by striking out ``and 1980``
21 and inserting in lieu thereof ``and for each fiscal year
22 ending prior to October 1, 1985``.

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

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

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

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

14 INSTITUTE OF MUSEUM SERVICES, SMITHSONIAN INSTITUTION

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

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

22 (b) All personnel, assets, liabilities, contracts,
23 grants, property, and records as are determined by the
24 Director of the Office of Management and Budget to be
25 employed, held, or used primarily in connection with any

1 functions transferred under the provisions of subsection (a)
2 are transferred to the Smithsonian Institution.

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

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

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

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

25 (f) No suit, action, or other proceeding commenced by or

1 against the Institute or any officer of the United States
2 acting in his official capacity shall abate by reason of any
3 transfer made pursuant to this section, but the court on
4 motion or supplemental petition filed at any time within 12
5 months after such transfer takes effect, showing a necessity
6 for the survival of such suit, action, or other proceeding to
7 obtain a settlement of the question involved, may allow the
8 same to be maintained by or against the appropriate office or
9 officer of the United States.

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

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

24 (i) The President may appoint the individual serving as
25 Director of the Institute on the date of enactment of this

1 Act to serve as Director of the Institute in the Smithsonian
2 Institution.

3 EFFECTIVE DATE

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

*need to
delay
§ 2?*