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Legislation to Transfer the Institute of Museum Services
to the National Foundation on the Arts and Humanities

The Department of the Interior and Related Agencies Appropriations Act of 1982 (HR 4035) contains a provision for the Institute of Museum Services to be removed from the U.S. Department of Education to be "an entity within the National Foundation on the Arts and Humanities."

This provision, initiated by Congress, would establish IMS as an independent federal agency under the umbrella of the National Foundation, which is currently composed of the National Endowment for the Arts, National Endowment for the Humanities, and the Federal Council on the Arts and Humanities. The Foundation is an umbrella title only and has no staff assigned to it. Its purpose in the originating legislation is to "develop and promote broadly conceived national programs for the humanities and the arts."

Both houses of Congress have concurred on this provision with the passage of HR 4035 in July by the House and in October by the Senate. The provision was not subject to the November 4 joint conference to reconcile differences in the two appropriations bills.

Under the regular appropriations process, the provision would become law when the President signs the appropriations bill.

Transfer Affected by Joint Resolution

Emergency government-wide funding for the 1982 fiscal year-- in the form of a joint resolution for the period October 1- November 20-- did not provide for the Institute's transfer, nor does the extension of that resolution for the period through December 15.

However, emergency legislation approved by Congress and vetoed by the President November 23 contained language to ensure the Institute's transfer and status as an independent agency. (See Attachment C in this part of the briefing book for the wording.) It is understood that the same wording will be included in a new continuing budget resolution to be approved by Congress by December 15.

Until the Interior/Related Agencies Act is signed or a new continuing resolution goes into effect with this wording, the Institute remains within the Education Department.

It is noteworthy that the location of the Institute was originally a concern addressed in enacting the Museum Services Act of 1976. The Senate Committee noted the opposition of the Department of Health, Education, and Welfare to creating the Institute (see Attachment A in this section of the briefing book). The Committee recommended a location other than HEW for the Institute.



(Transfer -2-)

Education Department and IMS

In formulating plans to dismantle ED as a Cabinet-level agency to be a foundation, Secretary Bell has recommended to the President that the Institute of Museum Services be eliminated. In Attachment B of this section, a published Decision Memorandum from Secretary Bell to the President lists the Institute as one of the agencies or divisions of ED to be eliminated (see p.4 of the attachment)