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Museum Services Act (1984): Report 07

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IMS REAUTHORIZATION AMENDMENTS

1. Section 205 (9) (1)

The Director shall be compensated at the rate provided for level IV of the Executive Schedule.

(This change would place the Director of the Institute on a more nearly equal footing with the Chairmen of its sister agencies at the Arts and Humanities Endowments. They are compensated at Level III.)

2. Section 205 (9) (3)

In the event that the Institute is transferred to the Department of Education, the Director shall report directly to the Secretary of such Department with respect to the activities of the Institute.

(This change would insure that the Institute retain a high priority in a new Department of Education and not be relegated to an Assistant Secretary.)

3. Section 205 (c)

The Director shall have authority to appoint, for terms not to exceed three years without regard to the provisions of title 5 of the United States Code governing appointment in the competitive service, such technical or professional employees of the Institute as the Director deems necessary to accomplish its functions in a number not to exceed one-fifth of the total number of employees of the Institute and may compensate employees so appointed without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The rate of basic compensation for such employees may not be equal to or in excess of the rate of pay currently paid for GS-16 of the General Schedule under section 5332 of title 5, United States Code.

(Because the Office of Personnel Management (OPM) has no series for museum specialists, the ability of the Director to meet the demands placed on the Institute would be enhanced by the authority to hire excepted personnel.

The authority requested is the same as that given to the National Institute of Education (NIE).)

4. Section 206 (a)

Museum 2
The Director, subject to the policy direction of the National Museum Services Board (NMSB), is authorized to make grants, contracts and cooperative agreements to museums and organizations to increase and improve museum services....

(The most efficient method to carry out a program of museum services is through contracts and cooperative agreements. Since these services are central to the support given to museums by IMS, they should be funded from the program budget rather than the administrative budget. This change will allow the Institute more flexibility in insuring the most efficient method of museum funding.

Currently, only museums are eligible for IMS grants. However, organizations which serve museums have done an excellent job of bringing dollars, resources, and people to museums, particularly to small museums which cannot accomplish these tasks alone. These organizations encourage cooperation among museums, help to avoid duplication, and thereby stretch program dollars. Such groups have brought about some of the most creative educational programming in museums.

The FCAH memo says, "Service to the field generally refers to support for programs potentially of benefit to a large segment of the museum community, rather than to one or a few museums. Examples of such efforts include, but are not limited to, seminars for museum administrators and educators, technical assistance, research on museum practices and methods, conferences, and publications. This support may be provided to institutions or to service organizations."

The memo directs IMS to "seek the requisite legislative authority to support services to the field conducted by organizations and associations as well as by individual museums, in order to provide balanced overall museum assistance, especially focused on the area of museums' administrative and operational problems and their solution.")

5. Section 206 (c)

8/14/10
The Institute shall have authority to establish and maintain procedures for reviewing, evaluating and authorizing grants, contracts and cooperative agreement awards in conformance with principles established by the

Federal Grant and Cooperative Agreement Act of 1977, PL 95-224 (41 USC 501 et seq). Procedures established under this section may not be subject to any review outside of the Institute.

(This language is submitted according to Senator Pell's request for tighter language on this provision.)

6. Section 210 (5)

"Organization" means any State or other public agency, and any nonprofit society, institution, group, association, museum, or establishment in the United States, whether or not incorporated.

(This definition is similar to one used by the two Endowments; it would be suitable for IMS to fund museum service organizations.)

7. *IMS wants authority to approve
then market outside of HEW.*

8. *request to escape personnel
ceiling - imposed by HEW (OMB).*

Changes incorporated in Pell bill <u>S.1429</u> to extend Museum Services Act	Recommended by	Comments
Extends Act for <u>TWO</u> years	Senator Pell	Two years will allow time to re-view all federal musuem programs as well as the question of IMS location.
Permits IMS to hire up to <u>one-fifth</u> of full-time staff as excepted personnel	IMS	This will allow IMS to hire experts in special fields when they are needed without going through Depart ment channels. There is no cate-gory on the federal register for "museum personnel". Both NEA and NEH have limited staff who are excepted personnel.
<p>Permits IMS to fund museum service or-ganizations with the following restric-tions:</p> <ul style="list-style-type: none"> - all contracts and cooperative agreements will be limited to one year periods. - funding will not be allowed for operational expenses (like the regular grants to museums) - support limited to 5% of total appropriation per year 	IMS, AAM and heavy pressure from the museum field	<p>Funding of museum service organiza was vigorously pushed in the hear-ings. I am for it with the re-strictions we have added. The bill defines a professional museum orga-nization as "a non-profit profes-sional museum-related organization, institution or association which engages in activities designed to advance the well-being of museums and the museum profession."</p> <p>(Smithsonian is very concerned about Lee's reach. Ripley personal-ly does not want IMS to have this authority but he is unwilling to expand this type of support thru the Smithsonian, i.e. National Musuem Act. Peter Powers and Paul Perrot are neutral on the issue.)</p>
Allows IMS to establish own grant review procedures	IMS	Gives IMS flexibility to establish own review procedures independent of Department of Education. George Seybolt spoke to you about this.