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Museum Services Act (1984): Correspondence 08

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United States Senate

AL

COMMITTEE ON
LABOR AND HUMAN RESOURCES

June 5, 1979

TO: Senator *V*

FROM: Jean/Sandy

Attached is the bill transferring the Museum Services Institute to the Smithsonian Institution, which you wanted to "hold in your pocket" when you introduce the bill extending the Arts and Humanities Endowments and the Museum Institute.

If this bill were introduced separately, it would be referred to the Governmental Affairs Committee, which has general jurisdiction over agency creation and transfer. You could probably arrange with Senator Ribicoff for concurrent or subsequent jurisdiction in the Labor and Human Resources Committee, since our legislation originally created the Institute.

If we include the transfer in the Arts and Humanities bill at some stage, we could probably avoid the jurisdictional conflict, unless someone actively opposed the transfer and alerted the Governmental Affairs Committee to request subsequent jurisdiction.

Am going to hold for this bill.

96th CONGRESS
1st Session

S. _____

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 transfer the Institute of Museum Services to the Smithsonian Institution.

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 "Museum Services Act of
4 1979".

5 INSTITUTE OF MUSEUM SERVICES, SMITHSONIAN INSTITUTION

6 Sec. 2. (a) (1) The Institute of Museum Services together
7 with the National Museum Services Board and the Director of
8 the Institute are transferred to the Smithsonian Institution.

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

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

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

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

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

23 (e) The provisions of this section shall not affect any
24 proceedings pending at the time this section takes effect
25 before the Institute or part thereof parts of which are

1 transferred by this section, but such proceedings to the
2 extent that they relate to such functions shall be continued
3 before the Institute.

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

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

21 (h) In the exercise of the functions transferred under
22 this section, the Director shall have the same authority as
23 that vested in the Institute, or part thereof, exercising
24 such functions immediately preceding their transfer, and the
25 actions of the Director in exercising such functions shall

1 have the same force and effect as when exercised by such
2 Institute, or part thereof.

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

7 EFFECTIVE DATE

8 Sec. 3. The amendments made by this Act shall take effect
9 60 days after the date of enactment of this Act.