

4-13-1973

Museum Services Act (1973): Correspondence 19

Lloyd E. Rigler

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Lloyd E. Rigler
PRESIDENT

April 13, 1973

Senator Pell:

I am attaching a copy of a letter sent to Congressman John Brademas which I am certain will be of interest to you.

It was a pleasure meeting you in the elevator on our way up to BCA dinner Monday.

Your speech was forthright and informative and should bear fruit for the Arts from all of those in attendance.

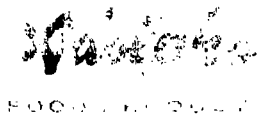
Sincerely,



LER:tv

Senator Claiborne Pell
325 Senate Office Building
Washington, D. C. 20515

PS: I would appreciate your comments and position re the attached.



Lloyd E. Rigler
PRESIDENT

April 13, 1973

Dear John:

In reference to your work on the Museum Service Act, you will recall that during your visit to California last summer, we talked about getting a copy and reviewing it. Since receiving it from you, it has been carefully studied by Artists and Collectors and the attached proposed ammendment has been drawn up in proper legal form.

I would ask that these changes be made in H.R. 687 for reasons which should be obvious. It is my feeling that it is extremely important to have our Museums, which are public institutions, be required to disclose on the same basis as the SCC requires publicly held businesses to in their dealings. The changes are recommended only with this thought in mind.

I would appreciate your comments and position re the attached.

Sincerely,

LER:tv

Honorable John Brademas
Chairman
Select Subcommittee on Education
B-345 Rayburn House Office Building
Washington, D. C. 20515

H.R. 8677

MUSEUM SERVICES ACT
92d CONG., 2d SESS.

Proposed Amendments

SEC. 1. (no change)

SEC. 2. (no change)

SEC. 3. (no change)

SEC. 4. (no change)

SEC. 5. (no change)

SEC. 6. (no change) Definitions

SEC. 7. For purposes of this Act:

a) Museum: (no change)

b) Board of Trustees: The "Board of Trustees" means
(1) those individuals who have ultimate governing authority
and responsibility for the operation of the museum and (2) those
individuals who are hired to manage the operation of the museum
and who have a substantial amount of actual authority.

c) Self-dealing: "Self-dealing" means any act in which
the Board of Trustees --

[should be indented →] (1) pays any compensation, in excess of a reasonable
allowance for salaries or other compensation for
personal services rendered, to;

(2) makes any purchase of property, for more than
adequate consideration in money or money's worth, from;

(3) sells any museum property, for less than an
adequate consideration in money or money's worth, to; or

(4) engages in any other transaction which results
in a diversion of museum income, corpus, or other

property to;
an individual member of the Board of Trustees.

d) Property: "Property" means those tangible objects described in SEC. 7(a) to which the museum has title.

Board of Trustees

SEC. 8. No grant shall be made under this Act to any museum unless its governing instrument includes provisions the effects of which are to require its Board of Trustees --

- a) to be at least ten per cent composed of individuals who had never previously been members of such Board of Trustees, and
- b) to refrain from transferring any museum property to any individual or organization, other than another museum, and
- c) to refrain from every act of self-dealing, and
- d) to refrain from including on the Board of Trustees any individual who is concurrently serving in a similar capacity on a Board of Trustees of another museum.

Citizen Suits

SEC. 9. a) Any person may commence a civil action on his own behalf against the Secretary where there is alleged a failure of the Secretary to perform any act or duty in accordance with the requirements of this Act. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to order the Secretary to perform such duty or conform such act to the requirements of this Act.

b) The court, in issuing a final order in any action brought pursuant to section 9(a), may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

c) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek any other relief.