Museum Services Act (1984): Correspondence 08

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June 5, 1979

TO: Senator

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.
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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Museum Services Act of 1979".

INSTITUTE OF MUSEUM SERVICES, SMITHSONIAN INSTITUTION

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

(2) Section 203 of the Museum Services Act is amended by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "the Smithsonian Institution".
(b) All personnel, assets, liabilities, contracts, grants, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any functions transferred under the provisions of subsection (a) are transferred to the Smithsonian Institution.

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

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

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enactment of this Act shall continue in effect to the same extent as if this section had not occurred, until modified, superseded, or repealed.

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

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

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

(h) In the exercise of the functions transferred under this section, the Director shall have the same authority as that vested in the Institute, or part thereof, exercising such functions immediately preceding their transfer, and the actions of the Director in exercising such functions shall
§69610.110

4. have the same force and effect as when exercised by such
2 Institute, or part thereof.
3 (1) 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.