

106TH CONGRESS  
2D SESSION

# S. 3137

To establish a commission to commemorate the 250th anniversary of the birth of James Madison.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2000

Mr. SESSIONS (for himself Mr. BYRD, Mr. THURMOND, Mr. MOYNIHAN, Mr. WARNER, Mr. ROBB, Mr. HATCH, Mr. LEAHY, Mr. LOTT, Mr. KENNEDY, Mr. MURKOWSKI, Mr. BIDEN, Mr. HELMS, Mr. DODD, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mr. INHOFE, Mr. EDWARDS, Mr. VOINOVICH, Mr. BAYH, Mr. HAGEL, Mr. MILLER, Mr. ASHCROFT, Mr. DORGAN, Mr. ALLARD, Mr. CLELAND, Mr. COCHRAN, Mr. SHELBY, Mr. MACK, Mr. BUNNING, Mr. KYL, Mr. FEINGOLD, Mr. GREGG, Mr. REID, and Mr. DOMENICI) introduced the following bill; which was read the first time

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## A BILL

To establish a commission to commemorate the 250th anniversary of the birth of James Madison.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “James Madison Commemoration Commission Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Establishment.
- Sec. 4. Duties.
- Sec. 5. Membership.
- Sec. 6. Powers.
- Sec. 7. Staffing and support.
- Sec. 8. Contributions.
- Sec. 9. Reports.
- Sec. 10. Audit of financial transactions.
- Sec. 11. Termination.
- Sec. 12. Authorization of appropriations.

1 **SEC. 2. CONGRESSIONAL FINDINGS.**

2 Congress finds that—

3 (1) March 16, 2001, marks the 250th anniver-  
4 sary of the birth of James Madison;

5 (2) as a delegate to the Continental Congress,  
6 and to the Annapolis Convention of 1786, James  
7 Madison foresaw the need for a more effective na-  
8 tional government and was a persuasive advocate for  
9 such a government at the Philadelphia Constitu-  
10 tional Convention of 1787;

11 (3) James Madison worked tirelessly and suc-  
12 cessfully at the Constitutional Convention to mold a  
13 national charter, the United States Constitution,  
14 that combined both energy and restraint, empow-  
15 ering the legislature, the executive, and the judici-  
16 ary, within a framework of limited government, sep-  
17 arated powers, and a system of federalism;

18 (4) James Madison was an eloquent proponent  
19 of the first 10 amendments to the Constitution, the  
20 Bill of Rights;

1           (5) James Madison faithfully served his country  
2           as a Representative in Congress from 1789 to 1797,  
3           as Secretary of State from 1801 to 1809, and as  
4           President of the United States from 1809 to 1817;

5           (6) as President, James Madison showed cour-  
6           age and resolute will in leading the United States to  
7           victory over Great Britain in the War of 1812;

8           (7) James Madison's political writings, as ex-  
9           emplified by his Notes on the Federal Convention  
10          and his contributions to The Federalist Papers, are  
11          among the most distinguished of American state pa-  
12          pers;

13          (8) by his learning, his devotion to ordered lib-  
14          erty, and by the force of his intellect, James Madi-  
15          son made an indispensable contribution to the Amer-  
16          ican tradition of democratic constitutional repub-  
17          licanism embodied in the Constitution of the United  
18          States, and is justifiably acclaimed as father of the  
19          Constitution;

20          (9) it is appropriate to remember, honor, and  
21          renew the legacy of James Madison for the Amer-  
22          ican people and, indeed for all mankind; and

23          (10) as the Nation approaches March 16, 2001,  
24          marking the anniversary of the birth of James Madi-

1 son, it is appropriate to establish a commission for  
2 the commemoration of that anniversary.

3 **SEC. 3. ESTABLISHMENT.**

4 A commission to be known as the James Madison  
5 Commemoration Commission (in this Act referred to as  
6 the “Commission”) and a committee to be known as the  
7 James Madison Commemoration Advisory Committee (in  
8 this Act referred to as the “Advisory Committee”) are es-  
9 tablished.

10 **SEC. 4. DUTIES.**

11 (a) COMMISSION.—The Commission shall—

12 (1) in cooperation with the Advisory Committee  
13 and the Library of Congress, direct the Government  
14 Printing Office to compile and publish a substantial  
15 number of copies of a book (as directed by the Com-  
16 mission) containing a selection of the most impor-  
17 tant writings of James Madison and tributes to him  
18 by members of the Commission and other persons  
19 that the Commission deems appropriate;

20 (2) in cooperation with the Advisory Committee  
21 and the Library of Congress, plan and coordinate 1  
22 or more symposia, at least 1 of which will be held  
23 on March 16, 2001, and all of which will be devoted  
24 to providing a better understanding of James Madi-  
25 son’s contribution to American political culture;

1           (3) in cooperation with the Advisory Committee  
2 recognize such other events celebrating James Madi-  
3 son's birth and life as official events of the Commis-  
4 sion;

5           (4) develop and coordinate any other activities  
6 relating to the anniversary of the birth of James  
7 Madison as may be appropriate;

8           (5) accept essay papers (via the Internet or oth-  
9 erwise) from students attending public and private  
10 institutions of elementary and secondary education  
11 in any State regarding James Madison's life and  
12 contributions to America and award certificates to  
13 students who author exceptional papers on this sub-  
14 ject; and

15           (6) bestow honorary memberships to the Com-  
16 mission or to the Advisory Committee upon such  
17 persons as it deems appropriate.

18       (b) ADVISORY COMMITTEE.—The Advisory Com-  
19 mittee shall—

20           (1) submit a suggested selection of James  
21 Madison's most important writings to the Commis-  
22 sion for the Commission to consider for inclusion in  
23 the book printed as provided in subsection (a)(1);

24           (2) submit a list and description of events con-  
25 cerning the birth and life of James Madison to the

1 Commission for the Commission's consideration in  
2 recognizing such events as official "Commission  
3 Events"; and

4 (3) make such other recommendations to the  
5 Commission as a majority of its members deem ap-  
6 propriate.

7 **SEC. 5. MEMBERSHIP.**

8 (a) MEMBERSHIP OF THE COMMISSION.—

9 (1) NUMBER AND APPOINTMENT.—The Com-  
10 mission shall be composed of 19 members, as fol-  
11 lows:

12 (A) The Chief Justice of the United States  
13 or such individual's delegate who is an Asso-  
14 ciate Justice of the Supreme Court of the  
15 United States.

16 (B) The Majority Leader and the Minority  
17 Leader of the Senate or each such individual's  
18 delegate who is a Member of the Senate.

19 (C) The Speaker of the House of Rep-  
20 resentatives and the Minority Leader of the  
21 House of Representatives or each such individ-  
22 ual's delegate who is a Member of the House of  
23 Representatives.

24 (D) The Chairman and the Ranking Mem-  
25 ber of the Committee on the Judiciary of the

1 Senate or each such individual's delegate who is  
2 a member of such committee.

3 (E) The Chairman and the Ranking Mem-  
4 ber of the Committee on the Judiciary of the  
5 House of Representatives or each such individ-  
6 ual's delegate who is a member of such com-  
7 mittee.

8 (F) Two Members of the Senate selected  
9 by the Majority Leader of the Senate and 2  
10 Members of the Senate selected by the Minority  
11 Leader of the Senate.

12 (G) Two members of the House of Rep-  
13 resentatives selected by the Speaker of the  
14 House of Representatives and 2 Members of the  
15 House of Representatives selected by the Minor-  
16 ity Leader of the House of Representatives.

17 (H) Two members of the executive branch  
18 selected by the President of the United States.

19 (2) CHAIRMAN AND VICE CHAIRMAN.—The  
20 Chief Justice of the United States shall serve as  
21 Chairman of the Commission and the members of  
22 the Commission shall select a vice chairman from its  
23 members, unless the Chief Justice appoints a dele-  
24 gate to serve in his stead, in which circumstance, the

1 members of the Commission shall select a chairman  
2 and vice chairman from its members.

3 (b) MEMBERSHIP OF THE ADVISORY COMMITTEE.—

4 (1) NUMBER AND APPOINTMENT.—The Advi-  
5 sory Committee shall be composed of 14 members,  
6 as follows:

7 (A) The Archivist of the United States or  
8 such individual's delegate.

9 (B) The Secretary of the Smithsonian In-  
10 stitution or such individual's delegate.

11 (C) The Executive Director of Montpelier,  
12 the home of James Madison, and the 2001  
13 Planning Committee of Montpelier or such indi-  
14 vidual's delegate.

15 (D) The President of James Madison Uni-  
16 versity in Harrisonburg, Virginia or such indi-  
17 vidual's delegate.

18 (E) The Director of the James Madison  
19 Center, James Madison University in Harrison-  
20 burg, Virginia or such individual's delegate.

21 (F) The President of the James Madison  
22 Memorial Fellowship Foundation or such indi-  
23 vidual's delegate.

24 (G) Two members, who are not Members  
25 of Congress but have expertise on the legal and

1 historical significance of James Madison, se-  
2 lected by the Majority Leader of the Senate,  
3 and 2 members, who are not Members of Con-  
4 gress but have expertise on the legal and histor-  
5 ical significance of James Madison, selected by  
6 the Minority Leader of the Senate.

7 (H) Two members, who are not Members  
8 of Congress but who have expertise on the legal  
9 and historical significance of James Madison,  
10 selected by the Speaker of the House of Rep-  
11 resentatives, and 2 members, who are not Mem-  
12 bers of Congress but who have expertise on the  
13 legal and historical significance of James Madi-  
14 son, selected by the Minority Leader of the  
15 House of Representatives.

16 (2) CHAIRMAN AND VICE CHAIRMAN.—The  
17 members of the Advisory Committee shall select a  
18 chairman and vice chairman from its members.

19 (c) TERMS.—Each member of the Commission shall  
20 be selected and each member of the Advisory Committee  
21 shall be selected not later than 90 days after the date of  
22 enactment of this Act and shall serve for the life of the  
23 Commission and the Advisory Committee, respectively.

24 (d) VACANCIES.—A vacancy in the Commission shall  
25 be filled in the same manner in which the original appoint-

1 ment was made in subsection (a). A vacancy in the Advi-  
2 sory Committee shall be filled by the person holding the  
3 office named in subsection (b) or his designate.

4 (e) COMPENSATION.—

5 (1) RATES OF PAY.—Members of the Commis-  
6 sion and the Advisory Committee shall serve without  
7 pay.

8 (2) TRAVEL EXPENSES.—Each member of the  
9 Commission and the Advisory Committee may re-  
10 ceive travel expenses, including per diem in lieu of  
11 subsistence, in accordance with sections 5702 and  
12 5703 of title 5, United States Code.

13 (f) MEETINGS.—The Commission shall meet at the  
14 call of its chairman or a majority of its members. The  
15 Advisory Committee shall meet at the call of the chairman  
16 or a majority of its members.

17 (g) APPROVAL OF ACTIONS.—All official actions of  
18 the Commission under this Act shall be approved by the  
19 affirmative vote of not less than a majority of the mem-  
20 bers. All official actions of the Advisory Committee under  
21 this Act shall be approved by the affirmative vote of not  
22 less than a majority of the members.

23 **SEC. 6. POWERS.**

24 (a) DELEGATION OF AUTHORITY.—Any member or  
25 staff person of the Commission may, if authorized by the

1 Commission, take any action that the Commission is au-  
2 thorized to take by this Act.

3 (b) CONTRACT AUTHORITY.—

4 (1) IN GENERAL.—The Commission may pro-  
5 cure services and property, and make or enter into  
6 contracts, leases, or other legal agreements, in order  
7 to carry out this Act.

8 (2) RESTRICTION.—The contracts, leases, or  
9 other legal agreements made or entered into by the  
10 Commission shall not extend beyond the date of ter-  
11 mination of the Commission.

12 (3) TERMINATION.—All supplies and property  
13 acquired by the Commission under this Act that re-  
14 main in the possession of the Commission on the  
15 date of termination of the Commission shall become  
16 the property of the General Services Administration  
17 upon the date of the termination.

18 (c) INFORMATION.—

19 (1) IN GENERAL.—The Commission may secure  
20 directly from any Federal agency information nec-  
21 essary to enable it to carry out this Act. Upon re-  
22 quest of the chairperson of the Commission, the  
23 head of the Federal agency shall furnish the infor-  
24 mation to the Commission.

1           (2) EXCEPTION.—Paragraph (1) shall not  
2       apply to any information that the Commission is  
3       prohibited to secure or request by another law.

4       (d) RULES AND REGULATIONS.—The Commission  
5       may adopt such rules and regulations as may be necessary  
6       to conduct meetings and carry out its duties under this  
7       Act. The Commission may also adopt such rules for the  
8       Advisory Committee.

9       (e) MAILS.—The Commission may use the United  
10      States mails in the same manner and under the same con-  
11      ditions as other Federal agencies, and the Committee on  
12      the Judiciary of the Senate may mail items on behalf of  
13      the Commission.

14      (f) NECESSARY AND PROPER POWERS.—The Com-  
15      mission may exercise such other powers as are necessary  
16      and proper in carrying out and effecting the purposes of  
17      this Act.

18      **SEC. 7. STAFFING AND SUPPORT.**

19      The Chairman of the Committee on the Judiciary of  
20      the Senate, the Chairman of the Committee on the Judici-  
21      ary of the House of Representatives, and the Librarian  
22      of Congress shall provide the Commission and the Advi-  
23      sory Committee with such assistance, including staff sup-  
24      port, facilities, and supplies at no charge, as may be nec-  
25      essary to carry out its duties.

1 **SEC. 8. CONTRIBUTIONS.**

2 (a) DONATIONS.—The Commission may accept dona-  
3 tions of money, personal services, and property, both real  
4 and personal, including books, manuscripts, miscellaneous  
5 printed matter, memorabilia, relics, and other materials  
6 related to James Madison.

7 (b) USE OF FUNDS.—

8 (1) IN GENERAL.—Any funds donated to the  
9 Commission may be used by the Commission to  
10 carry out this Act. The source and amount of such  
11 funds shall be listed in the interim and final reports  
12 required under section 9.

13 (2) PROCUREMENT REQUIREMENTS.—

14 (A) IN GENERAL.—In addition to any pro-  
15 curement requirement otherwise applicable to  
16 the Commission, the Commission shall conduct  
17 procurements of property or services involving  
18 donated funds pursuant to the small purchase  
19 procedures required by section 303(g) of the  
20 Federal Property and Administrative Services  
21 Act of 1949 (41 U.S.C. 253(g)). Section 15(j)  
22 of the Small Business Act (15 U.S.C. 644(j))  
23 shall not apply to such procurements.

24 (B) DEFINITION.—In this paragraph, the  
25 term “donated funds” means any funds of

1           which 50 percent or more derive from funds do-  
2           nated to the Commission.

3           (c) VOLUNTEER SERVICES.—Notwithstanding sec-  
4           tion 1342 of title 31, United States Code, the Commission  
5           may accept and use voluntary and uncompensated services  
6           as the Commission determines necessary.

7           (d) REMAINING FUNDS.—Funds remaining upon the  
8           date of termination of the Commission shall be used to  
9           ensure the proper disposition of property donated to the  
10          Commission as specified in the final report required by  
11          section 9.

12       **SEC. 9. REPORTS.**

13          (a) INTERIM REPORT.—Not later than February 15,  
14          2001, the Commission shall prepare and submit to the  
15          President and Congress an interim report detailing the ac-  
16          tivities of the Commission, including an accounting of  
17          funds received and expended by the Commission, during  
18          the period beginning on the date of enactment of this Act  
19          and ending on December 31, 2000.

20          (b) FINAL REPORT.—Not later than February 15,  
21          2002, the Commission shall submit to the President and  
22          to Congress a final report containing—

23                  (1) a summary of the activities of the Commis-  
24          sion;

1           (2) a final accounting of funds received and ex-  
2           pended by the Commission;

3           (3) the findings, conclusions, and recommenda-  
4           tions of the Commission;

5           (4) specific recommendations concerning the  
6           final disposition of historically significant items do-  
7           nated to the Commission under section 8(a), if any;  
8           and

9           (5) any additional views of any member of the  
10          Commission concerning the Commission's rec-  
11          ommendations that such member requests to be in-  
12          cluded in the final report.

13 **SEC. 10. AUDIT OF FINANCIAL TRANSACTIONS.**

14          (a) IN GENERAL.—The Inspector General of the Gen-  
15          eral Services Administration shall audit financial trans-  
16          actions of the Commission, including financial trans-  
17          actions involving donated funds, in accordance with gen-  
18          erally accepted auditing standards. In conducting an audit  
19          pursuant to this section, the Inspector General shall have  
20          access to all books, accounts, financial records, reports,  
21          files, and other papers, items, or property in use by the  
22          Commission, as necessary to facilitate the audit, and shall  
23          be afforded full facilities for verifying transactions with  
24          the balances or securities held by depositories, fiscal  
25          agents, and custodians.

1 (b) AUDIT REPORTS.—Not later than March 15,  
2 2001, the Inspector General of the General Services Ad-  
3 ministration shall submit to the President and to Congress  
4 a report detailing the results of any audit of the financial  
5 transactions of the Commission conducted before January  
6 1, 2001. Not later than March 15, 2002, such Inspector  
7 General shall submit to the President and to Congress a  
8 report detailing the results of any audit of the financial  
9 transactions of the Commission conducted during the pe-  
10 riod beginning on January 1, 2001, and ending on Decem-  
11 ber 31, 2001.

12 **SEC. 11. TERMINATION.**

13 The Commission and the Advisory Committee shall  
14 terminate not later than 60 days following submission of  
15 the final report required by section 9.

16 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to carry out  
18 this Act \$250,000 for fiscal year 2001.

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