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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name ROBERTS, JOHN G.: FILES

Withdrawer

LOJ 8/12/2005

File Folder JGR/BICENTENNIAL OF THE CONSTITUTION (1)

FOIA

F05-139/01

Box Number 5

COOK

64LOJ

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FRED FIELDING [RELEASED IN WHOLE - 02/03/06 - MJD]	1	9/13/1984	B6	1208

Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
- B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE
WASHINGTON

May 8, 1984

*Returned
to JGR
5/11*

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Request for Assistance in Starting
the Bicentennial Commission for the
Constitution

Boris Feinman, an activist interested in the bicentennial of the Constitution, has written you urging you to advise the President to move promptly in making appointments to the Commission on the Bicentennial of the Constitution. Feinman lobbied extensively for the creation of the Commission and is "distressed" that it has not yet been activated. Feinman also invited you to a Senate ceremony on September 17, 1984, commemorating the 177th anniversary of the adoption of the Constitution by the Constitutional Convention. Feinman organized an essay contest on the Constitution; the winners will participate in the planned ceremony. A similar commemoration took place last year.

The President signed Public Law 98-101, establishing the Commission, on September 29, 1983. As you know, the statute provides that the Commission shall consist of 23 members: the Chief Justice, the President pro tempore of the Senate, the Speaker of the House, and 20 members appointed by the President, including four from recommendations submitted by the Speaker, four from recommendations submitted by the President pro tempore of the Senate, and four from recommendations submitted by the Chief Justice. In his signing statement (attached) the President asserted that the Chief Justice, Speaker, President pro tempore, and any members of Congress appointed to the Commission could only serve in ceremonial or advisory roles. The President also asserted that he retained ultimate responsibility to select and appoint the members of the Commission. The signing statement engendered a rebuttal from Senator Hatch, to which Ted Olson responded (attached).

We have received no names from Presidential Personnel for clearance for this Commission. Indeed, Presidential Personnel advises that they have not even begun the selection process, and do not expect to have a list of prospective appointees until sometime in the fall. Personnel has received lists of recommended appointees from the Speaker and President pro

tempore of the Senate, but not from the Chief Justice. Meanwhile, Presidential Personnel is discussing with Mike Uhlmann's office whether the President should appoint Congressmen to this Commission.

I have prepared a reply to Feinman for your signature, noting that Presidential Personnel is engaged in the process of reviewing candidates for the Commission, and advising him that you have referred his letter to them. I decided not to mention the Constitutional difficulties surrounding the composition of the Commission, since I saw little reason to introduce a private citizen-activist into a sensitive dispute between Congress and the Executive branch. The referral memorandum to Presidential Personnel does not urge them to take any particular action with respect to the Commission, but you may want to consider prodding them along, or at least bringing this whole matter to some resolution before too much more time passes. It does seem irresponsible not to have even begun the selection process a full seven months after passage of the act. There are at least eight slots for Presidential appointees that do not present any Constitutional problems, and Personnel can be working on those.

Attachment

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

September 29, 1983

STATEMENT BY THE PRESIDENT

I have signed today S. 118, a bill that establishes a Commission which will coordinate the commemoration of the bicentennial of the Constitution.

Our Nation is approaching the 200th anniversary of the Constitutional Convention's approval of the Constitution, which occurred on September 17, 1787. Our Constitution contains the principles that have formed the basis of our national strength, unity and prosperity. This bicentennial offers an opportunity to rededicate ourselves to the principles embodied by the Constitution.

I welcome the participation of the Chief Justice, the President pro tempore of the Senate, and the Speaker of the House of Representatives in the activities of the Commission. However, because of the constitutional impediments contained in the Doctrine of the Separation of Powers, I understand that they will be able to participate only in ceremonial or advisory functions of the Commission, and not in matters involving the administration of the Act. Also, in view of the Incompatibility Clause of the Constitution, any Member of Congress appointed by me pursuant to section 4(a)(1) of this Act may serve only in a ceremonial or advisory capacity.

I also understand that this Act does not purport to restrict my ultimate responsibility as President for the selection and appointment of Members of the Commission, under Article II, Section 2, Clause 2, of the Constitution.

#

THE WHITE HOUSE

WASHINGTON

May 8, 1984

Dear Mr. Feinman:

Thank you for your letter of April 17, 1984. In that letter you urged prompt action in activating the Commission on the Bicentennial of the Constitution.

As the President noted when he signed Public Law 98-101, establishing the Commission, the upcoming bicentennial "offers an opportunity to rededicate ourselves to the principles embodied by the Constitution." The Commission will of course play a vital role in promoting and coordinating the commemorative activities, and accordingly it is important that the membership of the Commission be carefully and properly selected. The Office of Presidential Personnel here at the White House is engaged in the process of reviewing candidates for the Commission, and I have taken the liberty of sharing your letter with that office. Please be assured that we will move as promptly as possible in making appointments to the Commission, consistent with our responsibility to ensure that the appointments are the best possible and fully comply with all applicable legal requirements.

I would also like to thank you for the gracious invitation to attend the celebration of the 177th anniversary of the adoption of the Constitution this fall. I will be back in touch with you concerning this event as soon as I have a better idea of what my schedule will be like on September 17.

Again, thank you for sharing your informed views on this important subject with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Boris Feinman
Convention II Inc.
130 Highridge Road
New Rochelle, NY 10804

FFF:JGR:aea 5/8/84

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

June 20, 1984

MEMORANDUM FOR JOHN S. HERRINGTON
ASSISTANT TO THE PRESIDENT
FOR PRESIDENTIAL PERSONNEL

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Request for Assistance in Starting
the Bicentennial Commission for the
Constitution

Attached for your information is a letter to me urging that the President act promptly in appointing the members of the Commission on the Bicentennial of the Constitution, created by Public Law 98-101 on September 29, 1983. I have also attached a copy of my reply.

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FFF:JGR:aea 6/20/84
cc: FFFielding/JGRoberts/Subj/Chron

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FFF:JGR:aea 5/8/84
cc: FFFielding/JGRoberts/Subj/Chron

FB999

JV

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD)

JR

Name of Correspondent: 1 1 Boris
Bob Feinman

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Request for assistance in starting
the Bicentennial Commission for the
Constitution

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>CU HOLL</u>	ORIGINATOR	<u>84 04, 20</u>		<u>1 1</u>
<u>COAT 18</u>	Referral Note:	<u>84, 04, 23</u>		<u>5 84, 05, 03</u>
	Referral Note:			<u>1 1</u>
	Referral Note:			<u>1 1</u>
	Referral Note:			<u>1 1</u>
	Referral Note:			<u>1 1</u>

- ACTION CODES:**
- A - Appropriate Action
 - C - Comment/Recommendation
 - D - Draft Response
 - F - Furnish Fact Sheet to be used as Enclosure
 - I - Info Copy Only/No Action Necessary
 - R - Direct Reply w/Copy
 - S - For Signature
 - X - Interim Reply
- DISPOSITION CODES:**
- A - Answered
 - B - Non-Special Referral
 - C - Completed
 - S - Suspended
- FOR OUTGOING CORRESPONDENCE:**
- Type of Response = Initials of Signer
 - Code = "A"
 - Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOP).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

Convention II Inc.

FOUNDERS COMMITTEE

Please respond to:

223406 W

- Boris Feinman, Founder - NY
- Representative Richard L. Ottinger - NY
- Senator Daniel Patrick Moynihan - NY
- Representative Walter F. Fauntroy - DC
- Representative Floyd Spence - SC
- Senator Mark Hatfield - OR
- Representative Peter W. Rodino, Jr. - NJ
- Representative Carroll A. Campbell, Jr. - SC
- Representative Bill Hughes - NJ
- Representative Bill Goodling - PA
- Representative Silvio O. Conte - MA
- Senator Jennings Randolph - WV
- Senator Orrin G. Hatch - UT
- Representative Jack Kemp - NY
- Senator Alfonse D'Amato - NY
- Representative Newt Gingrich - GA
- Representative James J. Howard - NJ
- Representative Jim Weaver - OR
- Senator Christopher J. Dodd - CT
- Senator Dale Bumpers - AR
- Representative Mickey Edwards - OK
- Representative Claude Pepper - FL
- Representative Lindy Boggs - LA
- Senator Spark M. Matsunaga - HI
- Representative Sidney R. Yates - IL
- Representative Robert L. Livingston - LA
- Senator Dennis DeConcini - AZ
- Representative G. William Whitehurst - VA
- Senator Paul E. Tsongas - MA
- Representative Mario Biaggi - NY
- Representative William L. Clay - MO
- Senator James Abdnor - SD
- Representative John Edward Porter - IL
- Representative James V. Hansen - UT
- Senator George J. Mitchell - ME
- Representative Austin J. Murphy - PA
- Representative Eldon Rudd - AZ
- Senator Bill Bradley - NJ
- Senator William Cohen - ME
- Representative Harold S. Sawyer - MI
- Senator Alan J. Dixon - IL
- Representative Lynn Martin - IL
- Representative Olympia J. Snowe - ME
- Representative Cardiss Collins - IL
- Representative Thomas J. Downey - NY
- Representative Edwin B. Forsythe - NJ
- Senator Arlen Specter - PA
- Senator Charles E. Grassley - IA
- Representative Robert Garcia - NY
- Representative Chris Smith - NJ
- Senator Howell Heflin - AL
- Representative Trent Lott - MS
- Representative Dan Glickman - KS
- Representative Jim Wright - TX
- Representative Steve Gunderson - WI
- Representative Bob Edgar - PA
- Representative Bill Ratchford - CT
- Senator David Pryor - AR
- Representative Ron Wyden - OR
- Representative Charles Hatcher - GA
- Representative Daniel Akaka - HI
- Senator Ted Stevens - AK
- Representative Tom Lantos - CA
- Representative Hamilton Fish, Jr. - NY
- Representation Daniel Lungren - CA
- Senator Dave Durenberger - MN
- Representative Lee H. Hamilton - IN
- Representative Paul Simon - IL
- Senator Gordon Humphrey - NH
- Representative Denny Smith - OR
- Representative John LaFalce - NY
- Senator Pete Wilson - CA
- Representative Ed Towns - NY
- Representative Sherwood Boehlert - NY
- Senator Jim Sasser - TN
- Representative Gary Ackerman - NY
- Representative Bob McEwen - OH
- Representative Frank Wolf - VA
- Senator Max Baucus - MT
- Representative Robert Mrazek - NY
- Senator Frank Lautenberg - NJ
- G. Timothy Leighton - DC
- President Emeritus

Office of the Founder:
 130 Highridge Road
 New Rochelle, New York 10804
 (914) 633-6922

* National Headquarters:
 P.O. Box 44086
 Washington, DC 20026
 (202) 544-1789

* National Advisory Council:
 1007 NW B Street
 Grants Pass, Oregon 97526
 (503) 476-8429/9928

April 17, 1984

Dear Fred Fielding -

I am distressed, after 10 years of lobbying for it, that the Bicentennial Commission for the Constitution is not yet activated - and I beg, please, and urge that you use your good offices to advise the President to put the Commission to work immediately.

Surely the Constitution's desecration as much less time and attention as does the Statue of Liberty - which Commission has already had years of preparation time even though its centennial comes in 1986, a full year before the Constitution's 200th birthday.

Meanwhile, I have the pleasure of inviting you to our annual commemoration of the Constitution's birthday on Sept. 17th, per enclosures.

Please, please, please, start the Commission's life.

Cordially,
 Boris Feinman

"Two hundred years ago our Founding Fathers wrote a Constitution. Upon that base our Country stands great and strong, committed to Freedom, Liberty, and Respect for Human Differences. How shall we now build upon that which the Founders wrought so that America will ever be foremost in the Quest for the Rights of Man?"

Convention II Inc.

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FOR FREED FIELDING

February 7, 1984

To: Members, Founders Committee, Convention II
and
Guests at previous Constitution ceremonies

The enclosed Gannett Newspapers item is for your information concerning the upcoming commemoration of the Constitution in the Senate in Washington.

I'm sending it along with this letter as personal invitation for you to join us at the breakfast to mark the 197th birthday of the Constitution.

Ceremonies will begin at 8:30 a.m. Monday, Sept. 17, in the Senate caucus room, Russell 325, and will be followed by a meeting of the Senate Judiciary sub-committee on the Constitution.

I look forward to hearing that your own schedules will permit you again to share with us what seems to be happily becoming a tradition.

Please RSVP to me as soon as you can.

Cordially,

Bob Feinman

Bob Feinman
914 633 6922
130 Highridge Road
New Rochelle, NY 10804

"Two hundred years ago our Founding Fathers wrote a Constitution. Upon that base our Country stands great and strong, committed to Freedom, Liberty, and Respect for Human Differences. How shall we now build upon that which the Founders wrought so that America will ever be foremost in the Quest for the Rights of Man?"

THE WHITE HOUSE

WASHINGTON

June 20, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Commission on the Bicentennial
of the Constitution

On May 8 I submitted a memorandum for you concerning a letter sent to you by Boris Feinman, a citizen activist prominent in promoting the Bicentennial of the Constitution and the Commission on the Bicentennial of the Constitution. Along with the memorandum I enclosed drafts of an innocuous reply to Feinman, thanking him for his concern about appointments to the Commission, assuring him that we would move as promptly as possible consistent with our responsibility to ensure that the appointments are the best possible and fully comply with all applicable legal requirements, and referring his letter to Presidential Personnel for their information. You noted on the memorandum that you wanted to discuss "the whole situation in detail."

Efforts to arrange a meeting to do so have been unavailing, and now Mr. Feinman is calling -- through the Republican Inner Circle -- to find out why we have not been moving to make appointments to the Commission. Even if we cannot discuss "the whole situation in detail," we really do owe Mr. Feinman a response. I have updated my draft reply to Feinman and memorandum for Presidential Personnel, and recommend that you sign and send both. We can address the more basic questions about what to do with the Commission in due course.

THE WHITE HOUSE

WASHINGTON

May 8, 1984

*John - this is getting away from us -
pls call Pat so you
& I can discuss this
while sitting in detail
next week -*

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Request for Assistance in Starting
the Bicentennial Commission for the
Constitution

Boris Feinman, an activist interested in the bicentennial of the Constitution, has written you urging you to advise the President to move promptly in making appointments to the Commission on the Bicentennial of the Constitution. Feinman lobbied extensively for the creation of the Commission and is "distressed" that it has not yet been activated. Feinman also invited you to a Senate ceremony on September 17, 1984, commemorating the 177th anniversary of the adoption of the Constitution by the Constitutional Convention. Feinman organized an essay contest on the Constitution; the winners will participate in the planned ceremony. A similar commemoration took place last year.

The President signed Public Law 98-101, establishing the Commission, on September 29, 1983. As you know, the statute provides that the Commission shall consist of 23 members: the Chief Justice, the President pro tempore of the Senate, the Speaker of the House, and 20 members appointed by the President, including four from recommendations submitted by the Speaker, four from recommendations submitted by the President pro tempore of the Senate, and four from recommendations submitted by the Chief Justice. In his signing statement (attached) the President asserted that the Chief Justice, Speaker, President pro tempore, and any members of Congress appointed to the Commission could only serve in ceremonial or advisory roles. The President also asserted that he retained ultimate responsibility to select and appoint the members of the Commission. The signing statement engendered a rebuttal from Senator Hatch, to which Ted Olson responded (attached).

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Dear Mr. Feinman:

Thank you for your letter urging prompt action in activating the Commission on the Bicentennial of the Constitution.

As the President noted when he signed Public Law 98-101, establishing the Commission, the upcoming bicentennial "offers an opportunity to rededicate ourselves to the principles embodied by the Constitution." The Commission will of course play a vital role in promoting and coordinating the commemorative activities, and accordingly it is important that the membership of the Commission be carefully and properly selected. The Office of Presidential Personnel here at the White House is engaged in the process of reviewing candidates for the Commission, and I have taken the liberty of sharing your letter with that office. Please be assured that we will move as promptly as possible in making appointments to the Commission, consistent with our responsibility to ensure that the appointments are the best possible and fully comply with all applicable legal requirements.

I would also like to thank you for the gracious invitation to attend the celebration of the 197th anniversary of the adoption of the Constitution this fall. I will be back in touch with you concerning this event as soon as I have a better idea of what my schedule will be like on September 17.

Again, thank you for sharing your informed views on this important subject with us.

Sincerely,

Fred F. Fielding
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THE WHITE HOUSE

WASHINGTON

September 13, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Request From Boris Feinman For President Reagan to Sign a Diploma in Connection With the Bicentennial of the Constitution

You have corresponded in the past with Boris Feinman, a citizen gadfly who devises various schemes to promote the Bicentennial of the Constitution. Most recently, on June 20, you wrote Feinman, responding to his concerns over the delay in appointing members to the Commission on the Bicentennial of the Constitution. Feinman replied a month later to ask the President to endorse his latest brainstorm, a "Diploma of Voter Status" program "designed to cloak in majesty Youths' entry to political power at age 18." Feinman wants the President to sign an enclosed "diploma," to be awarded to students when they reach age 18 and become eligible to vote.

I do not think the President should sign the diploma or otherwise specifically endorse Feinman's project. On the merits, Feinman's idea does not strike me as particularly inspired. In any event, it seems advisable generally to limit the President's involvement in Bicentennial commemorations to those of an official nature. We really know nothing about Feinman, or to what use he might put the President's signature on his diploma or the President's endorsement of his scheme.

In addition, Congress established the Commission on the Bicentennial of the Constitution to "plan and develop activities appropriate to commemorate the bicentennial of the Constitution, including a limited number of projects undertaken by the Federal Government." Section 6(a)(1), Public Law 98-101, 97 Stat. 721 (1983). It would seem more in keeping with the spirit of this statute to await guidance from the Commission before endorsing specific projects to commemorate the Bicentennial. (Of course, we have yet to appoint the members of the Commission, but that is another story.) A draft reply to Feinman is attached.

Attachment

THE WHITE HOUSE
WASHINGTON

September 13, 1984

Dear Mr. Feinman:

Thank you for your letter describing your "Diploma of Voter Status" program. In that letter you requested that the President sign such a diploma, and announce support for the idea.

The President has frequently emphasized the importance of the right to vote and encouraged every eligible citizen to exercise the franchise. If your program succeeds in alerting young people to this precious right it will be providing an invaluable service.

We must, however, decline to have the President sign the diploma you have provided, or otherwise specifically endorse the program as a commemoration of the Bicentennial of the Constitution. As you certainly know, Congress has established a Commission on the Bicentennial of the Constitution, to plan and develop appropriate commemoration of the Bicentennial, including a limited number of projects to be undertaken by the Federal Government. The Commission is also to coordinate Bicentennial activities throughout the States. Section 6 of Public Law 98-101, 97 Stat. 721 (1983). It seems more in keeping with the spirit of this statute for the President generally to await guidance from the Commission, once it is operational, before endorsing particular projects designed in connection with the Bicentennial.

I hope you will appreciate the reasons for our response. Thank you for sharing your "Diploma of Voter Status" idea with us.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Boris Feinman
130 Highridge Road
New Rochelle, NY 10804

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bcc: FFFfielding/JGRoberts/Subj/Chron

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Thank you for your letter describing your "Diploma of Voter Status" program. In that letter you requested that the President sign such a diploma, and announce support for the idea.

The President has frequently emphasized the importance of the right to vote and encouraged every eligible citizen to exercise the franchise. If your program succeeds in alerting young people to this precious right it will be providing an invaluable service.

We must, however, decline to have the President sign the diploma you have provided, or otherwise specifically endorse the program as a commemoration of the Bicentennial of the Constitution. As you certainly know, Congress has established a Commission on the Bicentennial of the Constitution, to plan and develop appropriate commemoration of the Bicentennial, including a limited number of projects to be undertaken by the Federal Government. The Commission is also to coordinate Bicentennial activities throughout the States. Section 6 of Public Law 98-101, 97 Stat. 721 (1983). It seems more in keeping with the spirit of this statute for the President generally to await guidance from the Commission, once it is operational, before endorsing particular projects designed in connection with the Bicentennial.

I hope you will appreciate the reasons for our response. Thank you for sharing your "Diploma of Voter Status" idea with us.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Boris Feinman
130 Highridge Road
New Rochelle, NY 10804

FFF:JGR:aea 9/13/84
bcc: FFFfielding/JGRoberts/Subj/Chron

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

FG999

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: _____

Boris Feenman *Jhs*

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: _____

Requests the President to sign a diploma in connection with the Bicentennial of the Institution

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<i>WHolland</i>	ORIGINATOR	<i>8410724</i>			<i>1/1</i>
<i>WAT18</i>	Referral Note: <i>D</i>	<i>8410725</i>		<i>5</i>	<i>84108105</i>
	Referral Note:	<i>1/1</i>			<i>1/1</i>
	Referral Note:	<i>1/1</i>			<i>1/1</i>
	Referral Note:	<i>1/1</i>			<i>1/1</i>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure
- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOb).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

BORIS FEINMAN
130 HIGHRIDGE ROAD
NEW ROCHELLE, N. Y. 10804

Dear Fred Fielding,

Thank you for your update on the status of the Bicentennial Commission.

It appears unlikely that the Commission will be activated by September 17, Citizenship Day, the day on which we will be inaugurating a program for the Bicentennial called "Diploma of Voter Status", designed to cloak in majesty Youths' entry to political power at age 18.

Therefore I ask you to process this request to the President: to sign the enclosed Diploma.

Thousands of these Diplomas will be issued at special assemblies in the New York State high schools of Westchester, Putnam, and Rockland counties while, simultaneously, in the Senate's Russell caucus room Diploma #1 will be presented by Senator Orrin Hatch and Senator Jennings Randolph to a new young voter as symbolic of all 18 year olds of our country.

The goal is that by 1987, the Bicentennial, all the high schools of America will hold annual assemblies for the senior class on September 17, and conduct citizenship programs climaxing in the award of the Diploma of Voter Status.

Could the President announce support for this theme.

Cordially,

Boris Feinman

July 20, 1984

WHITE HOUSE LAW LIBRARY
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Date 9-13-84

To Anne Anderson

Room No. 106

From Pat Adams

To Keep

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Per Your Request/Per Our
Conversation

FYI

Message:

Public Law 98-101
98th Congress

An Act

To provide for the establishment of a Commission on the Bicentennial of the Constitution.

Sept. 29, 1983

[S. 118]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established a Commission on the Bicentennial of the United States Constitution, hereinafter referred to as the "Commission".

Commission on
the Bicentennial
of the
Constitution.
Establishment.

FINDINGS

SEC. 2. The Congress finds that—

- (1) the bicentennial of the Constitutional Convention's adoption of the Constitution occurs on September 17, 1987;
- (2) the Constitution enunciates the limitations on government, the inalienable rights, and the timeless principles of individual liberty and responsibility, and equality before law, for the people of the United States of America;
- (3) this document has set an enduring example of representative democracy for the world; and
- (4) the maintenance of the common principles that animate our Republic depend upon a knowledge and understanding of their roots and origins.

PURPOSE

SEC. 3. It is the purpose of this Act to establish a Commission to promote and coordinate activities to commemorate the bicentennial of the Constitution.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of twenty-three members as follows:

- (1) twenty members appointed by the President, four of whom shall be appointed from among the recommendations made by the Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives), four of whom shall be appointed from among the recommendations made by the President pro tempore of the Senate, in consultation with the majority leader and minority leader of the Senate, and four of whom shall be appointed from among the recommendations made by the Chief Justice of the United States;
- (2) the Chief Justice of the United States, or his designee;
- (3) the President pro tempore of the Senate, or his designee; and
- (4) the Speaker of the House of Representatives, or his designee.

(b) Each of the individuals making recommendations to the President regarding appointments shall seek to achieve a balanced membership representing, to the maximum extent practicable, the Nation as a whole. The Commission members shall be chosen from

among individuals who have demonstrated scholarship, a strong sense of public service, expertise in the learned professions, and abilities likely to contribute to the fulfillment of the duties of the Commission.

(c) Members of the Commission shall be appointed for the life of the Commission.

(d) One of the members shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.

(e) Twelve members of the Commission shall constitute a quorum, but a lesser number may conduct meetings.

Vacancy.

(f) A vacancy in the Commission resulting from the death or resignation of a member shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

ADMINISTRATIVE PROVISIONS AND POWERS

Pay rate.

SEC. 5. (a) The Commission shall appoint a staff director who shall be paid at a rate not to exceed the rate of basic pay provided for level I of the Executive Schedule pursuant to section 5312 of title 5, United States Code.

5 USC 5101 *et*
seq.
5 USC 5331.

(b) The Commission is authorized to appoint and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of such additional publicly paid personnel up to five persons, as the Chairman finds necessary to carry out the purposes of this title. Such personnel shall be compensated at a rate not to exceed a rate equal to the maximum rate of pay for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(c) Subject to the provisions of this subsection, the Commission may appoint and fix the pay of such additional personnel to be paid out of private donations. An individual appointed to a position funded in such manner shall be so designated at the time of such individual's appointment. The Chairman may appoint such additional personnel as he deems appropriate, not to exceed forty staff members.

Compensation
and
reimbursement.

(d) Each member of the Commission shall serve without being compensated as a member of such Commission, except that each member shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

Detailed Federal
agency
personnel.

(e)(1) Upon request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act. Details under this subsection shall be without reimbursement by the Commission to the agency from which the employee concerned was detailed.

(2) The Commission may accept the services of not to exceed twenty employees under this subsection at any time.

(f) The Commission is authorized to procure supplies, services, and property, and make contracts, in any fiscal year, only to such extent or in such amounts as are provided in appropriation Acts or are donated pursuant to subsection (h) of this section.

(g) The Commission is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be

strated scholarship, a strong the learned professions, and fulfillment of the duties of the all be appointed for the life of designated as Chairman by, and rman at the pleasure of, the sion shall constitute a quorum, etings. resulting from the death or affect its powers, and shall be the original appointment was

IONS AND POWERS

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o appoint and fix the compensa- is of title 5, United States Code, mpetitive service, and without r III of chapter 53 of such title ral Schedule pay rates, of such p to five persons, as the Chair- the purposes of this title. Such a rate not to exceed a rate equal GS-18 of the General Schedule l States Code.

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pt the services of not to exceed ction at any time. d to procure supplies, services, and ny fiscal year, only to such extent ded in appropriation Acts or are of this section.

ed to enter into agreements with ion for procurement of necessary vices, for which payment shall be

made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Adminis- trator of the General Services Administration.

(h)(1) The Commission is authorized to accept, use, solicit, and dispose of donations of money, property, or personal services.

(2) The Commission shall prescribe regulations under which the Commission may accept donations of money, property, or personal services, except that under such regulations, the Commission may not accept donations—

(A) the value of which exceeds \$25,000 annually, in the case of donations from an individual; or

(B) the value of which exceeds \$100,000 annually, in the case of donations from a corporation, partnership, or other business organization.

(3) The regulations prescribed under this subsection shall include procedures for determining the value of donations of property or personal services.

(4) The limitations set forth in this subsection shall not apply in the case of an organization if it is an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)), and exempt from taxation under section 501(a) of such Code.

(i) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(j) The Commission shall have the authority to design and use a logo as the official emblem of the bicentennial. The Commission shall issue rules and regulations, including penalties for unauthor- ized use, regarding the use of such logo, except that under those regulations, the Commission shall be prohibited from selling, leas- ing, or otherwise granting to any corporation or private person the right to use the logo in connection with the production or manufac- ture of any commercial goods, as part of an advertisement promot- ing any commercial goods or services, or as part of an endorsement for any such goods or services.

Donations.

Regulations.

Logo. Rules, regulations, and prohibitions.

DUTIES OF THE COMMISSION

SEC. 6. (a) The Commission shall—

(1) plan and develop activities appropriate to commemorate the bicentennial of the Constitution, including a limited number of projects to be undertaken by the Federal Government seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(2) encourage private organizations, and State and local gov- ernments to organize and participate in bicentennial activities commemorating or examining the drafting, ratification, and history of the Constitution and the specific features of the document;

(3) coordinate, generally, activities throughout all of the States; and

(4) serve as a clearinghouse for the collection and dissemina- tion of information about bicentennial events and plans.

(b) In planning and implementing appropriate activities to com- memorate the bicentennial, the Commission shall give due consid- eration to—

(1) the historical setting in which the Constitution was developed and ratified, including such antecedents as the Federalist Papers, the Articles of the Confederation, and the ratification debates in the States;

(2) the contribution of diverse ethnic and racial groups;

(3) the relationship and historical development of the three branches of the Government;

(4) the importance of activities concerning the Constitution and citizenship education throughout all of the States regardless of when such State achieved statehood;

(5) the unique achievements and contributions of the participants in the Constitutional Convention of 1787 and the State ratification proceedings;

(6) the diverse legal and philosophical views regarding the Constitution;

(7) the need for reflection upon both academic and scholarly views of the Constitution and the principle that the document must be understood by the general public;

(8) the substantive provisions of the Constitution itself;

(9) the impact of the Constitution on American life and government;

(10) the need to encourage appropriate educational curriculums designed to educate students at all levels of learning on the drafting, ratification, and history of the Constitution and the specific provisions of that document; and

(11) the significance of the principles and institutions of the Constitution to other nations and their citizens.

Private and governmental organizations, assistance.

(c) The Commission shall seek the cooperation, advice, and assistance from both private and governmental agencies and organizations, including the National Endowment for the Arts, the National Endowment for the Humanities, the Library of Congress, the Smithsonian Institution, the National Archives, the Department of the Interior, State and local governments, learned societies, academic institutions, and historical, patriotic, philanthropic, civic, and professional groups, and bar associations.

(d) The Commission may, in carrying out the purposes of this Act, delegate authority to State advisory commissions to assist in implementing this Act.

Report to President, Congress, and Judicial Conference of U.S.

(e) Within two years after the date of enactment of this Act, the Commission shall submit to the President and each House of the Congress and the Judicial Conference of the United States a comprehensive report incorporating specific recommendations of the Commission for commemoration and coordination of the bicentennial and related activities. Such report shall include recommendations for publications, scholarly projects, conferences, programs, films, libraries, exhibits, ceremonies, and other projects, competitions and awards, and a calendar of major activities and events planned to commemorate specific historical dates. Each year after such comprehensive report, the Commission shall submit an annual report to the President, each House of the Congress, and the Judicial Conference until such Commission terminates.

TERMINATION

SEC. 7. The Commission shall terminate on December 31, 1989.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated to carry out the purposes of this Act \$300,000 for fiscal year 1984 and such sums as may be necessary for the subsequent fiscal years through fiscal year 1989.

EFFECTIVE DATE

SEC. 9. This Act shall become effective on the date of enactment.

Approved September 29, 1983.

LEGISLATIVE HISTORY—S.118:

SENATE REPORT No. 98-68 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 129 (1983):

July 18, considered and passed Senate.

Aug. 4, considered and passed House, amended.

Sept. 14, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 19, No. 39 (1983):

Sept. 29, Presidential statement.



Even though I am not a psychologist, and would not venture to analyze the psychology of Wall Street, I believe that these expectations are a reality. They clearly cause investors major anxieties, a factor in their demand for high premiums in terms of real interest rates. We will not see a sustained recovery unless these anxieties are reduced.

The first thing we have to do is to bring these projected budget deficits down substantially, to accomplish this we must reduce the rate of growth in the Federal Government.

I, for one, am prepared to consider some hard choices to achieve this goal. For example, I was unable to support the first concurrent budget resolution for fiscal year 1984 on both the Senate floor and earlier in the Senate Budget Committee. It is my feeling that the budget resolution did not present a spending-reduction plan that will lead to the sustained economic recovery which should be our country's No. 1 goal. I am prepared to look at all aspects of the Federal budget, including entitlements and defense spending as well as the revenue side, in order to reduce the Federal deficit.

Mr. President, the Federal Reserve Board too must be willing to play a part in facilitating reduced interest rates and economic growth. The Federal Reserve Board must be realistic enough to allow the level of growth in the money supply to accommodate the lower interest rates so badly needed for our economic recovery to be maintained. I realize that the tight monetary policy of the last 3½ years has helped us to lower inflation, but we must not kill the patient with the cure to this disease.

I am not convinced that some easing of monetary policy will inevitably lead to the type of inflation we saw in the 1970's. For one thing, capacity utilization, labor supply and inventories are all at levels indicating that structural inflationary pressures will not be repeated. For another, some of the exogenous factors causing inflation, such as quadrupling of oil prices and a spiralling series of wage settlements, are not likely to be repeated in so extreme a fashion in the near future.

Finally, it is not entirely clear to me that the Federal Reserve Board can really control the supply of money as closely as it would like. Changes in the financial services industry over the past few years have made the definition of money itself questionable, and have made it difficult for the Fed to control the creation and growth of what it calls money. In these circumstances, I do not believe we should devote our exclusive attention to keeping monetary growth within very narrow limits. It is a goal very hard to achieve, and success in accomplishing it can lead to very mixed results.

Mr. President, the tight money policy of the early eighties is no longer necessary or even healthy for our economy. I believe that the No. 1 ob-

jective of the Federal Reserve Board, along with the President of the United States, is to insure a substantial and sustained recovery for our Nation. With unemployment holding at 10 percent, the status of our recovery is too delicate to be tampered with. I am convinced that monetary policy must be conducted in a way to achieve the lower level of interest rates so vital to our economic recovery and long term economic growth.

Mr. President, today I am introducing a resolution expressing the sense of the Senate that the Board of Governors of the Federal Reserve System, along with the Secretary of the Treasury and the Chairman of the Council of Economic Advisers, should work together to insure the compatibility of fiscal and monetary policy and thereby to achieve a stable and vigorous economic recovery and a significant reduction in the rate of unemployment. In addition, the Open Market Committee of the Federal Reserve System is directed to use its authority in conducting open market operations to promote the progressive reduction and stabilization of real interest rates to a level commensurate with stable and vigorous economic growth and reduction in the level of unemployment. Our Nation's economic health is endangered by the continuing collision of our fiscal and monetary policies. Therefore, I believe that it is urgent for all policymaking groups to coordinate their decisions and activities with the single goal of economic recovery foremost in their minds. ●

AMENDMENTS SUBMITTED

MILITARY PROCUREMENT
AUTHORIZATION, 1984

TSONGAS (AND OTHERS)
AMENDMENT NO. 1518

Mr. TSONGAS (for himself, Mr. PELL, Mr. MATHIAS, Mr. HART, Mr. CRANSTON, Mr. PROXMIER, Mr. KENNEDY, Mr. MELCHER, Mr. SARBANES, Mr. RIEGLE, Mr. PRESSLER, and Mr. METZENBAUM) proposed an amendment to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operations and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

SEC. . Notwithstanding any other provision of this Act or any other Act, none of the funds appropriated pursuant to an authorization contained in this Act or any other Act may be obligated or expended to test any explosive or inert anti-satellite warheads against objects in space unless the President determines and certifies to the Congress (a) that the United States is en-

deavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable ban on anti-satellite weapons; and (b) that, pending agreement on such a ban, testing of explosive or inert anti-satellite warheads against objects in space by the United States is necessary to avert clear and irrevocable harm to the national security.

METZENBAUM (AND OTHERS)
AMENDMENT NO. 1519

Mr. METZENBAUM (for himself, Mr. PRYOR, and Mr. FORD) proposed an amendment to the bill S. 675, supra; as follows:

At the end of part L of title I of the bill insert the following new section:

REQUIREMENT FOR THE USE OF COMPETITIVE
BIDDING PROCEDURES FOR THE LEASE OF CT-39
REPLACEMENT AIRCRAFT

SEC. . None of the funds appropriated pursuant to an authorization of funds contained in this Act may be used by the Air Force for the lease of any CT-39 replacement aircraft unless competitive bidding procedures are followed in the awarding of the lease for such aircraft and the bidding on the lease is open to all qualified domestic firms. Such bidding procedures shall include consideration of the total costs to the government of leasing such aircraft, including maintenance, logistics and training costs.

STAFFORD (AND OTHERS)
AMENDMENT NO. 1520

Mr. STAFFORD (for himself, Mr. ROTH, Mr. PELL, and Mr. RANDOLPH) proposed an amendment to the bill S. 675, supra; as follows:

On page 128, beginning with line 11, strike out all through page 131, line 6, and insert in lieu thereof the following:

EXTENSION OF PERIOD FOR TRANSFER OF DE-
FENSE DEPENDENTS' EDUCATION SYSTEM TO
DEPARTMENT OF EDUCATION

SEC. 1006. The first sentence of section 302(a) of the Department of Education Organization Act (20 U.S.C. 3442) is amended by striking out "May 4, 1984" and inserting in lieu thereof "May 4, 1986".

SUPPORT FOR MORATORIUM ON
COMMERCIAL WHALING

PACKWOOD AMENDMENT NO.
1521

Mr. BAKER (for Mr. PACKWOOD) proposed an amendment to the resolution (S. Res. 174) to reaffirm support for the International Whaling Commission moratorium on commercial whaling; as follows:

On page 2, line 2, in the resolving clause of such resolution, strike "directed" and insert in lieu thereof "urged".

COMMISSION ON THE BICEN-
TENNIAL OF THE CONSTITU-
TION

HATCH AMENDMENT NO. 1522

Mr. BAKER (for Mr. HATCH) proposed an amendment to the bill (S. 118) to provide for the establishment

of a Commission on the Bicentennial of the Constitution; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: "That there is established A commission on the Bicentennial of the United States Constitution, hereinafter referred to as the 'Commission'."

FINDINGS

SEC. 2. The Congress finds that—

(1) the bicentennial of the Constitutional Convention's adoption of the Constitution occurs on September 17, 1987;

(2) the Constitution enunciates the limitations on government, the inalienable rights, and the timeless principles of individual liberty and responsibility, and equality before law, for the people of the United States of America;

(3) this document has set an enduring example of representative democracy for the world; and

(4) the maintenance of the common principles that animate our Republic depend upon a knowledge and understanding of their roots and origins.

PURPOSE

SEC. 3. It is the purpose of this Act to establish a Commission to promote and coordinate activities to commemorate the bicentennial of the Constitution.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of sixteen members as follows:

(1) thirteen members appointed by the President, three of whom shall be appointed from among the recommendations made by the Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives), three of whom shall be appointed from among the recommendations made by the President pro tempore of the Senate, in consultation with the majority leader and minority leader of the Senate, and three of whom shall be appointed from among the recommendations made by the Chief Justice of the United States;

(2) the Chief Justice of the United States, or his designee;

(3) the President pro tempore of the Senate, or his designee; and

(4) the Speaker of the House of Representatives, or his designee.

(b) Each of the individuals making recommendations to the President regarding appointments shall seek to achieve a balanced membership representing, to the maximum extent practicable, the Nation as a whole. The Commission members shall be chosen from among individuals who have demonstrated scholarship, a strong sense of public service, expertise in the learned professions, and abilities likely to contribute to the fulfillment of the duties of the Commission.

(c) Members of the Commission shall be appointed for the life of the Commission.

(d) The Commission shall select a chairman from among its members who shall serve as Chairman for the life of the Commission.

(e) Eight members of the Commission shall constitute a quorum, but a lesser number may conduct meetings.

(f) A vacancy in the Commission resulting from the death or resignation of a member shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

ADMINISTRATIVE PROVISIONS AND POWERS

SEC. 5. (a) The Commission shall appoint a staff director who shall be paid at a rate not to exceed the rate of basic pay provided for level I of the Executive Schedule pursuant to section 5312 of title 5, United States Code.

(b) The Commission is authorized to appoint and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of such additional publicly paid personnel up to five persons, as the Chairman finds necessary to carry out the purposes of this title. Such personnel shall be compensated at a rate not to exceed a rate equal to the maximum rate of pay for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(c) Subject to the provisions of this subsection, the Commission may appoint and fix the pay of such additional personnel to be paid out of private donations. An individual appointed to a position funded in such manner shall be so designated at the time of such individual's appointment. The Chairman may appoint such additional personnel as he deems appropriate, not to exceed thirty staff members. If the Chairman deems it appropriate to make appointments in excess of such thirty-person limit, he shall notify the Chairman of the Committee on Post Office and Civil Service in the House of Representatives and the Chairman of the Committee on the Judiciary in the Senate. If neither House Committee disapproves the appointments in excess of the limit by an affirmative vote of the full committee within sixty days after receiving notice of the appointments, the personnel appointed in excess of the limit to be paid out of private donations shall become permanent personnel.

(d) Each member of the Commission shall serve without being compensated as a member of such Commission, except that each member shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(e)(1) Upon request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act. Details under this subsection shall be without reimbursement by the Commission to the agency from which the employee concerned was detailed.

(2) The Commission may accept the services of not to exceed twenty employees under this subsection at any time.

(f) The Commission is authorized to procure supplies, services, and property, and make contracts, in any fiscal year, only to such extent or in such amounts as are provided in appropriation Acts or are donated pursuant to subsection (h) of this section.

(g) The Commission is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

(h)(1) The Commission is authorized to accept, use, solicit, and dispose of donations of money, property, or personal services.

(2) The Commission shall prescribe regulations under which the Commission may accept donations of money, property, or personal services, except that under such regulations, the Commission may not accept donations—

(A) the value of which exceeds \$25,000 annually, in the case of donations from an individual; or

(B) the value of which exceeds \$100,000 annually, in the case of donations from a

corporation, partnership, or other business organization.

(3) The regulations prescribed under this subsection shall include procedures for determining the value of donations of property or personal services.

(4) The limitations set forth in this subsection shall not apply in the case of an organization if it is an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of such Code.

(i) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(j) The Commission shall have the authority to design and use a logo as the official emblem of the bicentennial. The Commission shall issue rules and regulations, including penalties for unauthorized use, regarding the use of such logo, except that under those regulations, the Commission shall be prohibited from selling, leasing, or otherwise granting to any corporation or private person the right to use the logo in connection with the production or manufacture of any commercial goods, as part of an advertisement promoting any commercial goods or services, or as part of an endorsement for any such goods or services.

DUTIES OF THE COMMISSION

SEC. 6. (a) The Commission shall—

(1) plan and develop activities appropriate to commemorate the bicentennial of the Constitution, including a limited number of projects to be undertaken by the Federal Government seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(2) encourage private organizations, and State and local governments to organize and participate in bicentennial activities commemorating or examining the drafting, ratification, and history of the Constitution and the specific features of the document;

(3) coordinate, generally, activities throughout all of the States; and

(4) serve as a clearinghouse for the collection and dissemination of information about bicentennial events and plans.

(b) In planning and implementing appropriate activities to commemorate the bicentennial, the Commission shall give due consideration to—

(1) the historical setting in which the Constitution was developed and ratified, including such antecedents as the Federalist Papers, the Articles of the Confederation, and the ratification debates in the States;

(2) the contribution of diverse ethnic and racial groups;

(3) the relationship and historical development of the three branches of the Government;

(4) the importance of activities concerning the Constitution and citizenship education throughout all of the States regardless of when such States achieved statehood;

(5) the unique achievements and contributions of the participants in the Constitutional Convention of 1787 and the State ratification proceedings;

(6) the diverse legal and philosophical views regarding the Constitution;

(7) the need for reflection upon both academic and scholarly views of the Constitution and the principle that the document must be understood by the general public;

(8) the substantive provisions of the Constitution itself;

(9) the impact of the Constitution on American life and government;

(10) the need to encourage appropriate educational curriculums designed to educate students at all levels of learning on the drafting, ratification, and history of the Constitution and the specific provisions of that document; and

(11) the significance of the principles and institutions of the Constitution to other nations and their citizens.

(c) The Commission shall seek the cooperation, advice, and assistance from both private and governmental agencies and organizations, including the National Endowment for the Arts, the National Endowment for the Humanities, the Library of Congress, the Smithsonian Institution, the National Archives, the Department of the Interior, State and local governments, learned societies, academic institutions, and historical, patriotic, philanthropic, civic, and professional groups, and bar associations.

(d) The Commission may, in carrying out the purposes of this Act, delegate authority to State advisory commissions to assist in implementing this Act.

(e) Within two years after the date of enactment of this Act, the Commission shall submit to the President and each House of the Congress and the Judicial Conference of the United States a comprehensive report incorporating specific recommendations of the Commission for commemoration and coordination of the bicentennial and related activities. Such report shall include recommendations for publications, scholarly projects, conferences, programs, films, libraries, exhibits, ceremonies, and other projects, competitions and awards, and a calendar of major activities and events planned to commemorate specific historical dates. Each year after such comprehensive report, the Commission shall submit an annual report to the President, each House of the Congress, and the Judicial Conference until such Commission terminates.

TERMINATION

SEC. 7. The Commission shall terminate on December 31, 1989.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated to carry out the purposes of this Act \$300,000 for fiscal year 1984 and such sums as may be necessary for the subsequent fiscal years through fiscal year 1989.

EFFECTIVE DATE

SEC. 9. This Act shall become effective on the date of enactment.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, July 18, to receive a top secret briefing from Ambassador Stone on the topic of Central America.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs, of the Foreign Relations Committee be authorized to meet during

the session of the Senate on Tuesday, July 19, to hold a hearing entitled "Export of Alaskan Crude Oil—Foreign Policy Implications."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 19, to hold a hearing on non-point source water pollution.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet on Tuesday, July 19, to hold a hearing on S. 1152, the Consumer Lease and Rental Purchase Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TELEPHONE RATE INCREASES

● Mr. SASSER. Mr. President, because of the wave of telephone-rate-increase requests now pending across the Nation—requests which will send local telephone bills skyrocketing—I have found it necessary to introduce S. 1626, a bill designed to insure continued universal telephone service at reasonable rates for American consumers. I am pleased that Senator STAFFORD, Senator FORD, and Senator BINGAMAN are joining me in this legislative initiative.

States across the country are facing requests for tremendous increases in telephone rates. In my my own State of Tennessee, South Central Bell has asked for a \$280 million increase. This would mean in many cases a doubling of phone bills. In Texas, Southwest Bell is asking for over \$1 billion in rate hikes. There is a \$233 million increase pending in Missouri. Nationwide, as of May, some \$4.5 billion in rate increases were pending. And the amount has continued to increase.

There are several reasons behind these requests. One is the tremendous surge in the pace of technology. The state of the art today is passé in 4 or 5 years. In the phrase used to describe space technology; if it works it is obsolete. Telephone companies, faced with the need to constantly upgrade their equipment, have included modernization of equipment as a large portion of the rate increase requests.

A second issue, related to technology, is the desire of the phone companies to depreciate their equipment at a faster pace. The Federal Communications Commission has issued a rule that under divestiture equipment will be depreciated at a national average. This, however, fails to take into ac-

count local conditions and needs. While phone companies must, of course, respond to expanding technology the exact rate of depreciation can best be set by State officials reflecting local situations.

A third part of the rate increases requests is due to the Federal Communications Commission's decision last year that an access charge for the cost of linking local with long distance service would be placed on the local customer—whether or not they ever make a long distance call. The goal of the FCC rule—to remove incentives to bypass the telephone system—is laudable. In attempting to solve one problem, however, the FCC has accentuated another—the cost of phone service to the local customer.

One of the basic tenets of our national telecommunications policy has always been universal service at affordable rates. And we have always achieved both and in the bargain developed the finest telephone system in the world.

The AT&T divestiture case and the resulting FCC rules have called into question the affordability of that service. It is plain fact that residential service has always been, in effect, subsidized by higher profit services—such as long distance. In the new, unregulated world of telecommunications that will exist after next January much of the cost of residential and small business service will be borne by those customers.

I think it would be foolish of us to think that we can deal with all the side issues of divestiture without considering their impact on our basic national policy. If we wish to maintain universal service at affordable rates then we must honestly admit that a mechanism must be found to offset the high costs of residential service. Most of the legislation which has been introduced so far has capped phone rates at some percentage of the national rate—110 or 115 percent.

The underlying question remains to be addressed, however, 110 percent of what? We can put a phone into virtually every house in this country. The question is: Will anybody be able to afford to pick it up?

Mr. President, I am under no illusion that S. 1626, or indeed any bill, is a panacea for the problem of increased phone rates. Phone rates will go up whatever Congress does. What we can do is mitigate those increased and to reverse agency decisions which have the effect of undoing our national telephone policy of universal service at affordable rates.

I have developed this legislation at the request of the Tennessee Public Service Commission. It addresses the major concerns they have raised. I am sure that if my colleagues will check with the utilities officials in their States they will find the same problems.

The amendment (No. 1521) was agreed to.

Mr. BAKER. Madam President, I have a list of cosponsors to this bill, and I ask unanimous consent that the named Senators be added as cosponsors and that their names appear in the RECORD in conjunction with the consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The cosponsors are as follows:

COSPONSORS FOR SENATE RESOLUTION 174

Senators Percy, Pell, Chiles, Cohen, Bumpers, Heinz, Chafee, Rudman, Randolph, Riegle, Moynihan, Nunn, Jackson, Kasten, Wallop, Huddleston, Weicker, Gorton, Inouye, Goldwater, Levin, Pressler, Lugar, Roth, Mitchell, Hecht, Stafford, Cochran, Sarbanes, Abdnor, Specter, Baucus, Cranston, Dodd, Hawkins, Hatfield, Kassebaum, Warner, Pryor, Boschwitz, DeConcini, Proxmire, Matsunaga, Baker, Melcher, Metzenbaum, and Dole.

● Mr. PACKWOOD. Mr. President, I am today asking for Senate passage of Senate Resolution 174, a resolution regarding commercial whaling. A great many of my colleagues and I have been working on this issue for many years. A major victory was won last year at the annual meeting of the International Whaling Commission when that body voted to impose a moratorium on commercial whaling. This moratorium is set to begin in late 1985.

Unfortunately, four nations filed objections to the moratorium decision, an action which threatens the effectiveness of the decision. Those four nations are Japan, Norway, Peru, and the Soviet Union. It is important that we let these nations know that the resolve of the United States remains firm and that we are committed to seeing the moratorium through to its complete implementation.

For this reason, I ask that the Senate act favorably on Senate Resolution 174. The resolution does not break any new ground on the whaling front. It simply reaffirms 12 years of U.S. support for a cessation of commercial whaling. It also calls on the Secretaries of State and Commerce to continue their diligent efforts to see that the moratorium is effectively implemented and observed. There are a variety of sanctions in U.S. law which are available to us if the moratorium is threatened, and it is my view that we should not hesitate to use these measures.

This year's International Whaling Commission meeting begins on Monday, July 18, in Brighton, England. It is my hope that the full Senate will agree to send a message that the United States has not altered its policy regarding a whaling moratorium. We should also be willing to make it clear to all IWC members that we intend to back up this policy with positive action if necessary.

Let me also say that it is my sincere hope that such action will never be necessary. The ideal outcome on this issue would be for the nations which

have filed objections to realize that their best course lies in cooperating with the majority of nations who have decided that commercial whaling should cease. This issue continues to be a major irritant to relations between the United States and those nations which have filed objections. Given the economic insignificance of commercial whaling when compared to our other economic relations with those nations, it seems to me that it would be wise for them to accede to the will of the majority on this matter.

I thank my colleagues for this opportunity and I ask for their support of Senate Resolution 174.●

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, is as follows:

S. RES. 174

Whereas millions of American citizens and millions of citizens worldwide have demanded an end to the destruction of whales by commercial whalers;

Whereas, in 1971, the Senate and the House passed concurrent resolutions calling for negotiation of a moratorium on commercial whaling;

Whereas a similar whaling resolution was adopted by the Stockholm Conference on the Human Environment in 1972;

Whereas every President since 1971 has emphatically reaffirmed United States support for a moratorium on commercial whaling in letters to the International Whaling Commission;

Whereas President Reagan also sent such a letter to the International Whaling Commission on July 17, 1981;

Whereas the epochal decision of the International Whaling Commission in July 1982 to indefinitely halt commercial whaling beginning in 1986 has been threatened by the Soviet Union, Japan, Norway, and Peru who have filed objections to the decision; and

Whereas sixty-six United States Senators joined in a letter to the Secretary of Commerce in August 1982 calling for use of the Pelly and Packwood-Magnuson amendments and other means available to us to obtain worldwide compliance with the International Whaling Commission decision and a similar view has been expressed by Members of the House of Representatives: Now, therefore, be it

Resolved, That the Secretary of State and the Secretary of Commerce are urged to continue to use all diplomatic and legal means to achieve worldwide compliance with the International Whaling Commission moratorium decision, including use of the Pelly amendment to the Fishermen's Protective Act, the Packwood-Magnuson amendment to the Magnuson Fishery Conservation and Management Act, and any other appropriate legal tools.

Mr. BAKER. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STAR PRINT—S. 979

Mr. BAKER. Madam President, I ask unanimous consent that S. 979 be star printed to reflect the following changes, which I send to the desk.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

BICENTENNIAL OF THE CONSTITUTION

Mr. BAKER. Madam President, I say to the minority leader that I propose to proceed to the consideration of S. 118, if that matter is cleared on his side of the aisle.

Mr. BYRD. Madam President, that matter is cleared.

Mr. BAKER. I thank the Senator.

Madam President, I ask that the Chair lay before the Senate Calendar Order No. 108, S. 118.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 118) to provide for the establishment of a Commission on the Bicentennial of the Constitution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

Mr. BAKER. Madam President, there are committee amendments which I am instructed to request be withdrawn.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 1522

(Purpose: To make technical and other amendments)

Mr. BAKER. Madam President, I send to the desk an amendment on behalf of the distinguished Senator from Utah (Mr. HATCH).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. HATCH, proposes an amendment numbered 1522.

Mr. BAKER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That there is established a Commission on the Bicentennial of the United States Constitution, hereinafter referred to as the "Commission".

FINDINGS

SEC. 2. The Congress finds that—
(1) the bicentennial of the Constitutional Convention's adoption of the Constitution occurs on September 17, 1987;

(2) the Constitution enunciates the limitations on government, the inalienable rights, and the timeless principles of individual liberty and responsibility, and equality before law, for the people of the United States of America;

(3) this document has set an enduring example of representative democracy for the world; and

(4) the maintenance of the common principles that animate our Republic depend upon a knowledge and understanding of their roots and origins.

PURPOSE

SEC. 3. It is the purpose of this act to establish a Commission to promote and coordinate activities to commemorate the bicentennial of the Constitution.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of sixteen members as follows:

(1) thirteen members appointed by the President, three of whom shall be appointed from the recommendations made by the Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives), three of whom shall be appointed from among the recommendations made by the President pro tempore of the Senate, in consultation with the majority leader and minority leader of the Senate, and three of whom shall be appointed from among the recommendations made by the Chief Justice of the United States;

(2) the Chief Justice of the United States, or his designee;

(3) the President pro tempore of the Senate, or his designee; and

(4) the Speaker of the House of Representatives, or his designee.

(b) Each of the individuals making recommendations to the President regarding appointments shall seek to achieve a balanced membership representing, to the maximum extent practicable, the Nation as a whole. The Commission members shall be chosen from among individuals who have demonstrated scholarship, a strong sense of public service, expertise in the learned professions, and abilities likely to contribute to the fulfillment of the duties of the Commission.

(c) Members of the Commission shall be appointed for the life of the Commission.

(d) The Commission shall select a chairman from among its members who shall serve as Chairman for the life of the Commission.

(e) Eight members of the Commission shall constitute a quorum, but a lesser number may conduct meetings.

(f) A vacancy in the Commission resulting from the death or resignation of a member shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

ADMINISTRATIVE PROVISIONS AND POWERS

SEC. 5. (a) The Commission shall appoint a staff director who shall be paid at a rate not to exceed the rate of basic pay provided for level I of the Executive Schedule pursuant to section 5312 of title 5, United States Code.

(b) The Commission is authorized to appoint and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of such additional publicly paid personnel up to five persons, as the Chairman finds necessary to carry out the purposes of this title. Such personnel shall be compensated at a rate not to exceed a rate equal to the maximum

rate of pay for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(c) Subject to the provisions of this subsection, the Commission may appoint and fix the pay of such additional personnel to be paid out of private donations. An individual appointed to a position funded in such manner shall be so designated at the time of such individual's appointment. The Chairman may appoint such additional personnel as he deems appropriate, not to exceed thirty staff members. If the Chairman deems it appropriate to make appointments in excess of such thirty-person limit, he shall notify the Chairman of the Committee on Post Office and Civil Service in the House of Representatives and the Chairman of the Committee on the Judiciary in the Senate. If neither House Committee disapproves the appointments in excess of the limit by an affirmative vote of the full committee within sixty days after receiving notice of the appointments, the personnel appointed in excess of the limit to be paid out of private donations shall become permanent personnel.

(d) Each member of the Commission shall serve without being compensated as a member of such Commission, except that each member shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(e)(1) Upon request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act. Details under this subsection shall be without reimbursement by the Commission to the agency from which the employee concerned was detailed.

(2) The Commission may accept the services of not to exceed twenty employees under this subsection at any time.

(f) The Commission is authorized to procure supplies, services, and property, and make contracts, in any fiscal year, only to such extent or in such amounts as are provided in appropriation Acts or are donated pursuant to subsection (h) of this section.

(g) The Commission is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

(h)(1) The Commission is authorized to accept, use, solicit, and dispose of donations of money, property, or personal services.

(2) The Commission shall prescribe regulations under which the Commission may accept donations of money, property, or personal services, except that under such regulations, the Commission may not accept donations—

(A) the value of which exceeds \$25,000 annually, in the case of donations from an individual; or

(B) the value of which exceeds \$100,000 annually, in the case of donations from a corporation, partnership, or other business organization.

(3) The regulations prescribed under this subsection shall include procedures for determining the value of donations of property or personal services.

(4) The limitations set forth in this subsection shall not apply in the case of an organization if it is an organization described in section 501 (c) (3) of the Internal Revenue Code of 1954 (26 U.S.C. 501 (c)(3)), and exempt from taxation under section 501 (a) of such Code.

(1) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(j) The Commission shall have the authority to design and use a logo as the official emblem of the bicentennial. The Commission shall issue rules and regulations, including penalties for unauthorized use, regarding the use of such logo, except that under those regulations, the Commission shall be prohibited from selling, leasing, or otherwise granting to any corporation or private person the right to use the logo in connection with the production or manufacture of any commercial goods, as part of an advertisement promoting any commercial goods or services, or as part of an endorsement for any such goods or services.

DUTIES OF THE COMMISSION

SEC. 6. (a) The Commission shall—

(1) plan and develop activities appropriate to commemorate the bicentennial of the Constitution, including a limited number of projects to be undertaken by the Federal Government seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(2) encourage private organizations, and State and local governments to organize and participate in bicentennial activities commemorating or examining the drafting, ratification, and history of the Constitution and the specific features of the document;

(3) coordinate, generally, activities throughout all of the States; and

(4) serve as a clearinghouse for the collection and dissemination of information about bicentennial events and plans.

(b) In planning and implementing appropriate activities to commemorate the bicentennial, the Commission shall give due consideration to—

(1) the historical setting in which the Constitution was developed and ratified, including such antecedents as the Federalist Papers, the Articles of the Confederation, and the ratification debate in the States;

(2) the contribution of diverse ethnic and racial groups;

(3) the relationship and historical development of the three branches of the Government;

(4) the importance of activities concerning the Constitution and citizenship education throughout all of the States regardless of when such State achieved statehood;

(5) the unique achievements and contributions of the participants in the Constitutional Convention of 1787 and the State ratification proceedings;

(6) the diverse legal and philosophical views regarding the Constitution;

(7) the need for reflection upon both academic and scholarly views of the Constitution and the principle that the document must be understood by the general public;

(8) the substantive provisions of the Constitution itself;

(9) the impact of the Constitution on American life and government;

(10) the need to encourage appropriate educational curriculums designed to educate students at all levels of learning on the drafting, ratification, and history of the Constitution and the specific provisions of that document; and

(11) the significance of the principles and institutions of the Constitution to other nations and their citizens.

(c) The Commission shall seek the cooperation, advice, and assistance from both private and governmental agencies and organizations, including the National Endowment for the Arts, the National Endowment for

the Humanities, the Library of Congress, the Smithsonian Institution, the National Archives, the Department of the Interior, State and local governments, learned societies, academic institutions, and historical, patriotic, philanthropic, civic, and professional groups, and bar associations.

(d) The Commission may, in carrying out the purposes of this Act, delegate authority to State advisory commissions to assist in implementing this Act.

(c) Within two years after the date of enactment of this Act, the Commission shall submit to the President and each House of the Congress and the Judicial Conference of the United States a comprehensive report incorporating specific recommendations of the Commission for commemoration and coordination of the bicentennial and related activities. Such report shall include recommendations for publications, scholarly projects, conferences, programs, films, libraries, exhibits, ceremonies, and other projects, competitions and awards, and a calendar of major activities and events planned to commemorate specific historical dates. Each year after such comprehensive report, the Commission shall submit an annual report to the President, each House of the Congress, and the Judicial Conference until such Commission terminates.

TERMINATION

SEC. 7. The Commission shall terminate on December 31, 1989.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated to carry out the purposes of this Act \$300,000 for fiscal year 1984 and such sums as may be necessary for the subsequent fiscal years through fiscal year 1989.

EFFECTIVE DATE

SEC. 9. This Act shall become effective on the date of enactment.

Mr. BAKER. I might say that the amendment just sent to the desk on behalf of Senator HATCH is in the nature of a substitute, and I am told it includes the substance of the committee amendments which were withdrawn.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1522) was agreed to.

Mr. HATCH. Mr. President, this bicentennial commemoration draws nigh at a time when it is desperately needed to reinvigorate our national understanding and commitment to the basic principles that animate our Republic. During hearings held last Congress this subcommittee learned that test scores measuring the basic comprehension of the duties of citizenship had declined from 1969 to 1976. For example, only a little more than half of the 17-year-olds and 32 percent of the 13-year-olds knew that each State has two Senators. Thus, students who are within a year of voting do not know some of the most rudimentary aspects of master plan developed in 1789 to protect the liberties enunciated by the Declaration of Independence.

This bicentennial presents a once-in-a-lifetime opportunity to correct these dire educational deficiencies and foster a better understanding of our representative Government. Because ours is a "government by the people,

of the people, for the people," its function and survival depend very directly on the capacity of those people to convert an understanding of our constitutional system into self-government and citizen participation. Our free Republic depends on citizens to vote responsibly, to hold public offices, to serve in the Armed Forces, to give testimony at public hearings, to participate in trials as jurors or witnesses, to engage in discussions of public affairs, to offer voluntary service within their communities, and to raise the responsible citizens of the future within their families. Without a working knowledge of our charter of freedoms and voluntary activities in conjunction with such understanding, our participatory Government would soon perish. Our Government is only as strong as the understanding and will of the people who comprise it. In a real sense, I would maintain, the educational prospects of this bicentennial comprise a "national defense" program.

With this in mind, the bicentennial celebration contemplated by S. 118 consists of more enduring activities than a series of pyrotechnic displays and parades. While celebrating activities are important to rekindle our national pride in the Constitution, a national reexamination of our Nation's common principles and their embodiment in the language of the Constitution is perhaps more important.

The bicentennial contemplated by S. 118 is true to the Constitution's principle of federalism in that it recognizes a pivotal role for the States. The Federal Bicentennial Commission will indeed play an important role as a coordinator, but will undertake only a "limited number" of worthy projects. States, on the other hand, should perceive no limits on the activities within the will of their citizens.

The bicentennial contemplated by S. 118 is also true to the Constitution's principle of limited National Government in that it recognizes a leading role for the private sector. Private organizations throughout the Nation will perhaps carry the greatest weight in making this commemoration significant. Indeed even the Commission itself will depend on the contributions of private citizens and organizations to finance many of its activities. The Federal Commission should encourage private activities to make the Constitution's message meaningful in each of America's communities and homes.

The bicentennial contemplated by S. 118 is also true to the Constitution's respect for a diversity of thought and expression. The Federal Commission will not espouse any single, narrow view of what is most important about the Constitution or its development. The Federal Commission's focus should be on the man and women of 1787 and the events that shaped the provisions of our Nation's foundational document, not the proposed legislative agenda of any single party or group.

The single most important key to a successful national celebration is an expression from the entity that represents all of the people of the United States. In short, Congress, by creating a Federal Bicentennial Commission, must acknowledge our need to reeducate and rededicate ourselves to the principles of the document that has guaranteed the longevity of our grand experiment in self government. S. 118 does not ask for vast resources, but it does ask us to recognize what Prime Minister William Gladstone of Britain, on the occasion of the Constitution's centennial, called the most remarkable work known to me in modern times to have been produced by the human intellect.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established a Commission on the Bicentennial of the United States Constitution, hereinafter referred to as the "Commission".

FINDINGS

SEC. 2. The Congress finds that—

(1) the bicentennial of the Constitutional Convention's adoption of the Constitution on September 17, 1987;

(2) the Constitution enunciates the limitations on government, the inalienable rights, and the timeless principles of individual liberty and responsibility, and equality before law, for the people of the United States of America;

(3) this document has set an enduring example of representative democracy for the world; and

(4) the maintenance of the common principles that animate our Republic depend upon a knowledge and understanding of their roots and origins.

PURPOSE

SEC. 3. It is the purpose of this Act to establish a Commission to promote and coordinate activities to commemorate the bicentennial of the Constitution.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of sixteen members as follows:

(1) thirteen members appointed by the President, three of whom shall be appointed from among the recommendations made by the Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives), three of whom shall be appointed from among the recommendations made by the President pro tempore of the Senate, in consultation with the majority leader and minority leader of the Senate, and three of whom shall be appointed from among the recommendations made by the Chief Justice of the United States;

(2) the Chief Justice of the United States, or his designee;

(3) the President pro tempore of the Senate, or his designee; and

(4) the Speaker of the House of Representatives, or his designee.

(b) Each of the individuals making recommendations to the President regarding appointments shall seek to achieve a balanced membership representing, to the maximum extent practicable, the Nation as a whole. The Commission members shall be chosen from among individuals who have demonstrated scholarship, a strong sense of public service, expertise in the learned professions, and abilities likely to contribute to the fulfillment of the duties of the Commission.

(c) members of the duties of the Commission shall be appointed for the life of the Commission.

(d) The Commission shall select a chairman from among its members who shall serve as Chairman for the life of the Commission.

(e) Eight members of the Commission shall constitute a quorum, but a lesser number may conduct meetings.

(f) A vacancy in the Commission resulting from the death or resignation of a member shall not affect its powers, and shall be filled in the manner in which the original appointment was made.

ADMINISTRATIVE PROVISIONS AND POWERS

SEC. 5. (a) The Commission shall appoint a staff director who shall be paid at a rate not to exceed the rate of basic pay provided for level I of the Executive Schedule pursuant to section 5312 of title 5, United States Code.

(b) The Commission is authorized to appoint and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of such additional publicly paid personnel up to five persons, as the Chairman finds necessary to carry out the purposes of this title. Such personnel shall be compensated at a rate not to exceed a rate equal to the maximum rate of pay for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(c) Subject to the provisions of this subsection, the Commission may appoint and fix the pay of such additional personnel to be paid out of private donations. An individual appointed to a position funded in such manner shall be so designated at the time of such individual's appointment. The Chairman may appoint such additional personnel as he deems appropriate, not to exceed thirty staff members. If the Chairman deems it appropriate to make appointments in excess of such thirty-person limit, he shall notify the Chairman of the Committee on Post Office and Civil Service in the House of Representatives and the Chairman of the Committee on the Judiciary in the Senate. If neither House Committee disapproves the appointments in excess of the limit by an affirmative vote of the full committee within sixty days after receiving notice of the appointments, the personnel appointed in excess of the limit to be paid out of private donations shall become permanent personnel.

(d) Each member of the Commission shall serve without being compensated as a member of such Commission, except that each member shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(e)(1) Upon request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act. Details

under this subsection shall be without reimbursement by the Commission to the agency from which the employee concerned was detailed.

(2) The Commission may accept the services of not to exceed twenty employees under this subsection at any time.

(f) The Commission is authorized to procure supplies, services, and property, and make contracts, in any fiscal year, only to such extent or in such amounts as are provided in appropriation Acts or are donated pursuant to subsection (h) of this section.

(g) The Commission is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

(h)(1) The Commission is authorized to accept, use, solicit, and dispose of donations of money, property, or personal services.

(2) The Commission shall prescribe regulations under which the Commission may accept donations of money, property, or personal services, except that under such regulations, the Commission may not accept donations—

(A) the value of which exceeds \$25,000 annually, in the case of donations from an individual; or

(B) the value of which exceeds \$100,000 annually, in the case of donations from a corporation, partnership, or other business organization.

(3) The regulations prescribed under this subsection shall include procedures for determining the value of donations of property or personal services.

(4) The limitations set forth in this subsection shall not apply in the case of an organization if it is an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)), and exempt from taxation under section 501(a) of such Code.

(i) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(j) The Commission shall have the authority to design and use a logo as the official emblem of the bicentennial. The Commission shall issue rules and regulations, including penalties for unauthorized use, regarding the use of such logo, except that under those regulations, the Commission shall be prohibited from selling, leasing, or otherwise granting to any corporation or private person the right to use the logo in connection with the production or manufacture of any commercial goods, as part of an advertisement promoting any commercial goods or services, or as part of an endorsement for any such goods or services.

DUTIES OF THE COMMISSION

SEC. 6. (a) The Commission shall—

(1) plan and develop activities appropriate to commemorate the bicentennial of the Constitution, including a limited number of projects to be undertaken by the Federal Government seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(2) encourage private organizations, and State and local governments to organize and participate in bicentennial activities commemorating or examining the drafting, ratification, and history of the Constitution and the specific features of the document;

(3) coordinate, generally, activities throughout all of the States; and

(4) serve as a clearinghouse for the collection and dissemination of information about bicentennial events and plans.

(b) In planning and implementing appropriate activities to commemorate the bicentennial, the Commission shall give due consideration to—

(1) the historical setting in which the Constitution was developed and ratified, including such antecedents as the Federalist Papers, the Articles of the Confederation, and the ratification debates in the States;

(2) the contribution of diverse ethnic and racial groups;

(3) the relationship and historical development of the three branches of the Government;

(4) the importance of activities concerning the Constitution and citizenship education throughout all of the States regardless of when such State achieved statehood;

(5) the unique achievements and contributions of the participants in the Constitutional Convention of 1787 and the State ratification proceedings;

(6) the diverse legal and philosophical views regarding the Constitution;

(7) the need for reflection upon both academic and scholarly views of the Constitution and the principle that the document must be understood by the general public;

(8) the substantive provisions of the Constitution itself;

(9) the impact of the Constitution on American life and government;

(10) the need to encourage appropriate educational curriculums designed to educate students at all levels of learning on the drafting, ratification, and history of the Constitution and the specific provisions of that document; and

(11) the significance of the principles and institutions of the Constitution to other nations and their citizens.

(c) The Commission shall seek the cooperation, advice, and assistance from both private and governmental agencies and organizations, including the National Endowment for the Arts, the National Endowment for the Humanities, the Library of Congress, the Smithsonian Institution, the National Archives, the Department of the Interior, State and local governments, learned societies, academic institutions, and historical, patriotic, philanthropic, civic, and professional groups, and bar associations.

(d) The Commission may, in carrying out the purposes of this Act, delegate authority to State advisory commissions to assist in implementing this Act.

(e) Within two years after the date of enactment of this Act, the Commission shall submit to the President and each House of the Congress and the Judicial Conference of the United States a comprehensive report incorporating specific recommendations of the Commission for commemoration and coordination of the bicentennial and related activities. Such report shall include recommendations for publications, scholarly projects, conferences, programs, films, libraries, exhibits, ceremonies, and other projects, competitions and awards, and a calendar of major activities and events planned to commemorate specific historical dates. Each year after such comprehensive report, the Commission shall submit an annual report to the President, each House of the Congress, and the Judicial Conference until such Commission terminates.

TERMINATION

SEC. 7. The Commission shall terminate on December 31, 1989.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated to carry out the purposes of this Act

\$300,000 for fiscal year 1984 and such sums as may be necessary for the subsequent fiscal years through fiscal year 1989.

EFFECTIVE DATE

Sec. 9. This Act shall become effective on the date of enactment.

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. BAKER. Madam President, I note that my Executive Calendar is clear for action at this time in certain respects.

I inquire of the minority leader if he is prepared to consider nominations beginning on page 3 under the judiciary, to include all those nominations under the judiciary and the Department of Justice on page 3.

Mr. BYRD. Madam President, all items on page 3 have been cleared on this side.

Mr. BAKER. I thank the minority leader.

Madam President, I must report that they have not all been cleared on this side at this time.

I ask unanimous consent that the Senate go into executive session for the purpose of considering the nominations on page 3 under the judiciary, being Calendar Nos. 229, 230, and 231, and under the Department of Justice, Calendar No. 232.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

Mr. BAKER. Madam President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nomination considered and confirmed en bloc are as follows:

THE JUDICIARY

Pasco M. Bowman II, of Missouri, to be U.S. circuit judge for the eighth circuit.

Peter C. Dorsey, of Connecticut, to be U.S. district judge for the district of Connecticut.

Stephen N. Limbaugh, of Missouri, to be U.S. district judge for the eastern and western districts of Missouri.

DEPARTMENT OF JUSTICE

Stephen S. Trott, of California, to be an Assistant Attorney General.

Mr. BAKER. Madam President, I ask unanimous consent that it be in order to move en bloc to reconsider the vote by which the nominations were confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, I make that motion.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Madam President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Madam President, I take the floor to ask the majority leader as to the program for tomorrow and the rest of the week.

Mr. BAKER. Madam President, I thank the minority leader.

Madam President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The majority leader is recognized.

Mr. BAKER. First, by way of an answer, let me put a request.

ORDER FOR RECESS UNTIL 10 A.M.

Madam President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF S. 675

Mr. BAKER. Madam President, on tomorrow, after certain other routine matters that I will describe are provided for, the Senate will resume consideration of this bill. Tomorrow is Tuesday and I anticipate that we will recess the Senate between the hours of 12 noon and 2 p.m. in order to accommodate the caucuses on both sides of the aisle.

The Senate will then continue on this measure as long as the managers deem it worthwhile and productive.

On Wednesday, Madam President, if we have not finished this bill, we will still be on the bill, and on Thursday, I would hope we can finish before that, but we will take whatever time is necessary to finish the measure. It is entirely possible that at some point this week a cloture petition or petitions will be filed. None has been filed so far. We will address that question again tomorrow and from time to time.

It is essential that we finish the bill as soon as we can.

After this bill is finished, I anticipate that the Senate will be asked to turn to the consideration of the target price bill, as previously announced.

If we take all of this week on this bill, and that is a distinct possibility, we will be about a week behind the schedule I had hoped for. Therefore,

any remarks I may have made privately or on the floor of the Senate about easy Fridays I guess I better rescind. It looks like we are going to be in for a full 5 days at least for the weeks remaining between now and August 5.

After we do the target price bill, Madam President, there are a number of other matters on the list of most items that I have supplied to the minority leader and discussed with other Senators. Such things as revenue-sharing reauthorization, such as Radio Marti, the Outer Continental Shelf bill. My memory fails me at this point, but there are about six or eight most items. I still intend, to the extent I can do so, to try to follow that list.

To summarize, Madam President, I would expect that beginning tomorrow we may have late evenings depending on whether the Senate can utilize the time effectively. We will try very hard to finish this bill as early this week as possible and then go to the target price bill. We will be in session, as I anticipate matters at this time, on Friday. Beyond that I cannot say.

Mr. TOWER. Will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. TOWER. I suspect that in the morning when we return to the consideration of this bill at least one Senator will be prepared to offer his amendment. I know of no one else who has stated their desire. I think we should expect record votes before we go out for the noon recess.

Mr. BAKER. Madam President, I would urge Senators to consider that. I think there is a high probability that we will have record votes before the 12 noon recess, either on the Stafford amendment or on other matters.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Madam President, let me put two more requests, if I may, and then I will yield.

Madam President, I ask unanimous consent that after the recognition of the two leaders under the standing order on tomorrow, that two Senators be recognized on special orders of not to exceed 15 minutes each in this order: Senators PROXIMIRE and BUMBERS.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DESIGNATING PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Madam President, I ask unanimous consent that after the execution of the special orders, that there be a period of not to exceed 10 minutes for the transaction of routine morning business in which Senators may speak for not more than 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE FOR TUESDAY

Mr. BAKER. Madam President, tomorrow, the Senate will convene at 10 a.m. After the recognition of the two

and raising economic confidence throughout America;

Whereas the construction of between one million four hundred thousand and one million six hundred thousand housing starts in 1983—a dramatic increase from 1982—will create millions of worker-years of employment in construction and construction-related industries, billions in wages and billions in tax revenue for local, State and Federal governments;

Whereas an upturn in home sales and housing production has triggered every economic recovery since World War II;

Whereas to sustain this housing-led recovery, it is essential that interest rates continue to fall to increase housing affordability;

Whereas homeownership and decent housing instill pride and contribute to the stability and vitality of communities throughout America;

Whereas it is appropriate to reaffirm our Nation's historic commitment to housing and homeownership as a national priority and to recognize and sustain the role that housing plays in the economic recovery: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 2 through 9, 1983, be declared "National Housing Week" and that the President of the United States be authorized and requested to issue a proclamation calling upon all people of the United States to observe this week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE ESTABLISHMENT OF A COMMISSION ON THE BICENTENNIAL OF THE CONSTITUTION

Mr. GARCIA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 118) to provide for the establishment of a Commission on the Bicentennial of the Constitution, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

□ 1940

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established a Commission on the Bicentennial of the United States Constitution, hereinafter referred to as the "Commission".

FINDINGS

Sec. 2. The Congress finds that—

(1) the bicentennial of the Constitutional Convention's adoption of the Constitution occurs on September 17, 1987;

(2) the Constitution enunciates the limitations on government, the inalienable rights, and the timeless principles of individual liberty and responsibility, and equality before law, for the people of the United States of America;

(3) this document has set an enduring example of representative democracy for the world; and

(4) the maintenance of the common principles that animate our Republic depend upon a knowledge and understanding of their roots and origins.

PURPOSE

SEC. 3. It is the purpose of this Act to establish a Commission to promote and coordinate activities to commemorate the bicentennial of the Constitution.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of sixteen members as follows:

(1) thirteen members appointed by the President, three of whom shall be appointed from among the recommendations made by the Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives), three of whom shall be appointed from among the recommendations made by the president pro tempore of the Senate, in consultation with the majority leader and minority leader of the Senate, and three of whom shall be appointed from among the recommendations made by the Chief Justice of the United States;

(2) the Chief Justice of the United States, or his designee;

(3) the President pro tempore of the Senate, or his designee; and

(4) the Speaker of the House of Representatives, or his designee.

(b) Each of the individuals making recommendations to the President regarding appointments shall seek to achieve a balanced membership representing, to the maximum extent practicable, the Nation as a whole. The Commission members shall be chosen from among individuals who have demonstrated scholarship, a strong sense of public service, expertise in the learned professions, and abilities likely to contribute to the fulfillment of the duties of the Commission.

(c) Members of the Commission shall be appointed for the life of the Commission.

(d) The Commission shall select a chairman from among its members who shall serve as Chairman for the life of the Commission.

(e) Eight members of the Commission shall constitute a quorum, but a lesser number may conduct meetings.

(f) A vacancy in the Commission resulting from the death or resignation of a member shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

ADMINISTRATIVE PROVISIONS AND POWERS

Sec. 5. (a) The Commission shall appoint a staff director who shall be paid at a rate not to exceed the rate of basic pay provided for level I of the Executive Schedule pursuant to section 5312 of title 5, United States Code.

(b) The Commission is authorized to appoint and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of such additional publicly paid personnel up to five persons, as the Chairman finds necessary to carry out the purposes of this title. Such personnel shall be compensated at a rate not to exceed a rate equal to the maximum rate of pay for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(c) Subject to the provisions of this subsection, the Commission may appoint and fix the pay of such additional personnel to

be paid out of private donations. An individual appointed to a position funded in such manner shall be so designated at the time of such individual's appointment. The Chairman may appoint such additional personnel as he deems appropriate, not to exceed thirty staff members. If the Chairman deems it appropriate to make appointments in excess of such thirty-person limit, he shall notify the Chairman of the Committee on Post Office and Civil Service in the House of Representatives and the Chairman of the Committee on the Judiciary in the Senate. If neither House Committee disapproves the appointments in excess of the limit by an affirmative vote of the full committee within sixty days after receiving notice of the appointments, the personnel appointed in excess of the limit to be paid out of private donations shall become permanent personnel.

(d) Each member of the Commission shall serve without being compensated as a member of such Commission, except that each member shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(e)(1) Upon request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act. Details under this subsection shall be without reimbursement by the Commission to the agency from which the employee concerned was detailed.

(2) The Commission may accept the services of not to exceed twenty employees under this subsection at any time.

(f) The Commission is authorized to procure supplies, services, and property, and make contracts, in any fiscal year, only to such extent or in such amounts as are provided in appropriation Acts or are donated pursuant to subsection (h) of this section.

(g) The Commission is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

(h)(1) The Commission is authorized to accept, use, solicit, and dispose of donations of money, property, or personal services.

(2) The Commission shall prescribe regulations under which the Commission may accept donations of money, property, or personal services, except that under such regulations, the Commission may not accept donations—

(A) the value of which exceeds \$25,000 annually, in the case of donations from an individual; or

(B) the value of which exceeds \$100,000 annually, in the case of donations from a corporation, partnership, or other business organization.

(1) plan and develop activities appropriate to commemorate the bicentennial of the Constitution, including a limited number of projects to be undertaken by the Federal Government seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(2) encourage private organizations, and State and local governments to organize and participate in bicentennial activities commemorating or examining the drafting, ratification, and history of the Constitution and the specific features of the document;

(3) coordinate, generally, activities throughout all of the States; and

(4) serve as a clearinghouse for the collection and dissemination of information about bicentennial events and plans.

(b) In planning and implementing appropriate activities to commemorate the bicentennial, the Commission shall give due consideration to—

(1) the historical setting in which the Constitution was developed and ratified, including such antecedents as the Federalist Papers, the Articles of the Confederation, and the ratification debates in the States;

(3) The regulations prescribed under this subsection shall include procedures for determining the value of donations of property or personal services.

(4) The limitations set forth in this subsection shall not apply in the case of an organization if it is an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)), and exempt from taxation under section 501(a) of such Code.

(i) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(j) The Commission shall have the authority to design and use a logo as the official emblem of the bicentennial. The Commission shall issue rules and regulations, including penalties for unauthorized use, regarding the use of such logo, except that under those regulations, the Commission shall be prohibited from selling, leasing, or otherwise granting to any corporation or private person the right to use the logo in connection with the production or manufacture of any commercial goods, as part of an advertisement promoting any commercial goods or services, or as part of an endorsement for any such goods or services.

DUTIES OF THE COMMISSION

SEC. 6. (a) The Commission shall—

(2) the contribution of diverse ethnic and racial groups;

(3) the relationship and historical development of the three branches of the Government;

(4) the importance of activities concerning the Constitution and citizenship education throughout all of the States regardless of when such State achieved statehood;

(5) the unique achievements and contributions of the participants in the Constitutional Convention of 1787 and the State ratification proceedings;

(6) the diverse legal and philosophical views regarding the Constitution;

(7) the need for reflection upon both academic and scholarly views of the Constitution and the principle that the document must be understood by the general public;

(8) the substantive provisions of the Constitution itself;

(9) the impact of the Constitution on American life and government;

(10) the need to encourage appropriate educational curriculums designed to educate students at all levels of learning on the drafting, ratification, and history of the Constitution and the specific provisions of that document; and

(11) the significance of the principles and institutions of the Constitution to other nations and their citizens.

(c) The Commission shall seek the cooperation, advice, and assistance from both private and governmental agencies and organizations, including the National Endowment for the Arts, the National Endowment for the Humanities, the Library of Congress, the Smithsonian Institution, the National Archives, the Department of the Interior, State and local governments, learned societies, academic institutions, and historical, patriotic, philanthropic, civic, and professional groups, and bar associations.

(d) The Commission may, in carrying out the purposes of this Act, delegate authority to State advisory commissions to assist in implementing this Act.

(c) Within two years after the date of enactment of this Act, the Commission shall submit to the President and each House of the Congress and the Judicial Conference of the United States a comprehensive report incorporating specific recommendations of the Commission for commemoration and coordination of the bicentennial and related activities. Such report shall include recommendations for publications, scholarly projects, conferences, programs, films, libraries, exhibits, ceremonies, and other projects, competitions and awards, and a calendar of major activities and events planned to commemorate specific historical dates. Each year after such comprehensive report, the Commission shall submit an annual report to the President, each House of the Congress, and the Judicial Conference until such Commission terminates.

TERMINATION

SEC. 7. The Commission shall terminate on December 31, 1989.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated to carry out the purposes of this Act \$300,000 for fiscal year 1984 and such sums as may be necessary for the subsequent fiscal years through fiscal year 1989.

EFFECTIVE DATE

SEC. 9. This Act shall become effective on the date of enactment.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARCIA:

Page 2, lines 16-17, strike out "sixteen" and insert in lieu thereof "twenty-three".

Page 2, line 18, strike out "thirteen" and insert in lieu thereof "twenty".

Page 2, line 19, strike out "three" and insert in lieu thereof "four".

Page 2, line 22, strike out "three" and insert in lieu thereof "four".

Page 3, line 1, strike out "three" and insert in lieu thereof "four".

Page 3, strike out lines 20-22 and insert in lieu thereof the following:

(d) One of the members shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.

Page 3, line 23, strike out "Eight" and insert in lieu thereof "Twelve".

Page 5, line 2, strike out "thirty" and all that follows thereafter through the period in line 12, and insert in lieu thereof "forty staff members."

Mr. GARCIA (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection of the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. GARCIA).

The amendment was agreed to.

The SPEAKER pro tempore. The gentleman from New York (Mr. GARCIA) is recognized for 1 hour.

Mr. GARCIA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 118 passed the Senate unanimously on July 18, 1983.

This bill would establish a Presidential Commission for the expressed purpose of planning and conducting a meaningful national celebration to mark the 200th anniversary of the drafting and ratification of the U.S. Constitution and the Bill of Rights.

The President is fond of telling audiences that America is the last best hope for mankind. If we are, it is because our Constitution guarantees all men and women equality. In addition, it secures rights and freedoms unmatched anywhere else in the world. That is why the people of this Nation have reposed great faith in the principles which the Constitution embodies.

The constitutional bicentennial presents an unique opportunity to instill in our citizenry a greater sense and understanding of the rights, privileges, and opportunities afforded by the Constitution.

I will forgo a lengthy review of the bill's provisions but I would like to highlight a few major items contained in the Senate-passed bill.

As passed by the Senate, the Commission will be composed of 16 members appointed by the President. Congress and the Judiciary shall each recommend to the President an equal number of members to be appointed by the President.

The bill caps the number of staff that may be hired from either private or donated funds. Furthermore, the bill places an annual limitation on the amount individuals or businesses may contribute to the Commission, and it also precludes the use of the official logo for any private, commercial, or promotional endeavor.

There is authorized to be appropriated \$300,000, for fiscal year 1983 and such sums as are required in subsequent fiscal years.

Finally, the Commission terminates on December 31, 1989.

Since Senate passage of S. 118 last month, the White House has requested certain amendments. They have asked for an increase in the size of the Commission and in the number of direct Presidential appointments; the authority to select the Chairman of the Commission; and certain changes relating to staff employment. The requested changes are acceptable to the committee as well as Senate sponsors. I will explain each amendment in further detail at the appropriate time.

Mr. Speaker, there is an urgent need to get the necessary planning for this historic anniversary underway as soon as possible. The administration knows this and, in fact, is poised to establish a Commission by Executive order if we fail to act before we adjourn for the August district work period. By failing to act, Congress, as a coequal branch of the Government, would be relinquishing to the Executive, its right to participate directly in an event celebrating the formation of our Government. That is not only unwise, but foolish.

I urge my colleagues to support this legislation, and I include a summary of the major provisions of S. 118, as passed by the Senate, at this point in the RECORD.

**SUMMARY OF MAJOR PROVISIONS OF
SUBSTITUTE AMENDMENT FOR S. 118**

(PASSED THE SENATE ON JULY 18, 1983)

Section 1: Establishes a Commission on the Bicentennial of the Constitution of the United States.

Section 2: Sets forth Congressional findings regarding the U.S. Constitution and the need for a Commission to commemorate the bicentennial of the Constitution.

Section 3: States that the purpose of the Act is to establish a Commission to commemorate the bicentennial of the Constitution.

Section 4: Establishes a 16-member Commission which shall, to the maximum extent practicable, be representative of the nation. Thirteen members shall be appointed by the President. The Speaker of the House of Representatives and the President pro tempore of the Senate shall each recommend three (3) members to the President to be appointed. In addition, the Speaker, Senate President pro tempore and the Chief Justice of the United States or their designees shall serve as members of the Commission.

Members shall be appointed for the life of the Commission and shall elect a Chairman from among the members of the Commission.

Section 5: Provides for the appointment of a staff director and five additional staff to be paid from public funds.

An additional thirty persons may be appointed to the staff provided they are paid from donated funds. The Chairman of the Commission may hire additional personnel in excess of the thirty-person limit. However, the House and Senate Committees of jurisdiction must be notified of such additional appointments. Either Committee may, within 30 days after receiving such notice, by affirmative vote of the full Committee, disapprove the appointment of the additional personnel.

The Commission is authorized to accept not more than twenty persons detailed from federal agencies.

This Section also limits the amount individuals and businesses may donate to the Commission annually. In the case of an individual, the limit is \$25,000; a business is limited to a \$100,000 annual donation. These limitations do not apply to not-for-profit organizations exempt from taxation under the Internal Revenue Code.

The Commission is barred, under this section, from leasing, selling, and otherwise granting to any person, the right to use the Commission's official logo in connection with any commercial related activity.

Section 6: Enumerates the duties of the Commission which are essentially to plan appropriate activities and encourage nationwide participation in the bicentennial commemoration.

Within two years of enactment, the Commission is directed to submit to the President, Congress and the Judicial Conference of the United States, a report with specific recommendations for commemorating the bicentennial of the Constitution.

Section 7: Commission terminates on December 31, 1989.

Section 8: Authorizes \$300,000 for fiscal year 1983 and such sums as are necessary for subsequent fiscal years.

Section 9: Act takes effect upon enactment.

EXPLANATION OF AMENDMENTS

Mr. Speaker, this amendment has three parts. First, the size of the Commission would be expanded from 16 to 23 members. The amendment provides the President with an additional four appointees. The Speaker, Senate President pro tempore, and the Chief Justice would each recommend one additional member of the Commission to the President for appointment.

The second part of the amendment would permit the President to name the Commission's Chairman.

The final part of the amendment eliminates a provision in S. 118 relating to the appointment of staff paid from donated funds. The bill would have required the Chairman of the Commission to notify both House and Senate oversight committees of the appointment of any staff in excess of the 30-person limit. Either committee could have, within 30 days after receiving such notice, disapproved the appointment of such additional staff by an affirmative vote of the committee. This provision appears to violate the recent Supreme Court decision which invalidated legislative vetoes. Accordingly, this provision is deleted and replaced with an absolute staff ceiling. Although there is an increase of 10 staff positions this should be viewed as a maximum limit on the size of staff employed by the Commission and paid from donated funds. No changes are made with respect to the number of employees to be paid from appropriated funds.

Mr. COURTER. Mr. Speaker, will the gentleman yield?

Mr. GARCIA. I yield to my colleague from New Jersey.

(Mr. COURTER asked and was given permission to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, I rise in support of S. 118 to establish a Presidential Commission on the Bicentennial of the Constitution.

This legislation would provide for the appointment by the President of the United States a 23-member Commission with representation from each of the three branches of Government, charged with developing a plan for the appropriate celebration of events leading up to the signing of the Constitution and the subsequent ratification process. The Commission will undertake a limited number of Federal projects but is also directed to encourage State, local, and private participation in planning activities. While the Federal involvement is necessary for a variety of reasons, S. 118 recognizes the important role which State and local governments and the private sector can contribute. The intent of this legislation is not for the Federal Government to solely plan the events celebrating and commemorating the 200th birthday of our Constitution.

The primary function of the Bicentennial Commission will be to educate, evaluate, and rededicate Americans to our constitutional Republic. The U.S.

Constitution is at the center of American political life and there exists today a dire need to educate our young people about our system of constitutional freedoms. The public's understanding of the Constitution is at a low ebb.

This bicentennial offers an opportunity to correct this educational problem and foster a better understanding of our representative Government. Also this bicentennial will offer the opportunity to evaluate the successes of our governing institutions since their inauguration in 1787.

Our Constitution grows and becomes more effective over time not through a process of change and evolution but instead through a process of study and application of its unchanging principles.

The growth and effectiveness of the Constitution is most evident in the dedication of Americans to its changeless tenets. The Constitution has proven durable—not because it is an evolving or flexible document but because it addressed principles that were enduring and because it created institutions which have made our country second to none.

As we begin the third century of our existence under this great document, the American people should renew their knowledge about our heritage and should rededicate themselves to the maintenance of a republic under the Constitution.

The primary purpose of the Commission will be to establish a new awareness and knowledge of our Constitution in the mind of the American people. It is for these reasons that I urge my colleagues to support this legislation which would develop a Presidential Commission on the Bicentennial of the Constitution.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GARCIA. I yield to my colleague, the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman for yielding and I wish to compliment the gentleman and the committee on bringing forth this very fine piece of legislation establishing the Commission for the Bicentennial celebration of the drafting and the signing of the Constitution.

I trust that it will pass in a very splendid fashion so that we can get on with the business of the preparation for this important date in our history.

Mr. GARCIA. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

(2) by striking out "Governors' Conference" in paragraph (4) and inserting in lieu thereof "National Governors' Association";

(3) by striking out "board of managers of the Council of State Governments" in paragraph (5) and inserting in lieu thereof "National Conference of State Legislatures";

(4) by striking out "and" at the end of paragraph (6);

(5) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(6) by inserting after paragraph (7) the following new paragraphs:

"(8) One appointed by the President from a panel of at least two elected officers of a township submitted by the National Association of Towns and Townships;

"(9) One appointed by the President from a panel of at least two elected school board members submitted by the National School Boards Association."

(b) Section 3 of such Act (42 U.S.C. 4273) is further amended by adding at the end thereof the following new subsection:

"(d) For purposes of subsection (a)(8), the term 'township' means a township as described in the Governmental Organization volume of the 'Census of Governments' publication most recently issued by the Bureau of the Census prior to the date on which an appointment is made under such subsection."

(c) Section 4(e) of such Act (42 U.S.C. 4274(e)) is amended by striking out "Thirteen" and inserting in lieu thereof "A majority of the".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMISSION ON THE BICENTENNIAL OF THE CONSTITUTION

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 118.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 118) entitled "An Act to provide for the establishment of a Commission on the Bicentennial of the Constitution", do pass with the following amendments:

Page 2, lines 16 and 17, strike out "sixteen" and insert: "twenty-three".

Page 2, line 18, strike out "thirteen" and insert: "twenty".

Page 2, line 19, strike out "three" and insert: "four".

Page 2, line 22, strike out "three" and insert "four".

Page 3, line 1, strike out "three" and insert "four".

Page 3, strike out lines 20-22, inclusive, and insert:

"(d) One of the members shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President."

Page 3, line 23, strike out "Eight" and insert: "Twelve".

Page 5, line 2, strike out all after "exceed" down to and including "personnel" in line 12, and insert: "forty staff members".

Mr. SASSER. Mr. President, almost 200 years ago our Founding Fathers

met in Philadelphia to revise the Articles of Confederation. What emerged from that Constitutional Convention was not merely a revision but a whole new document.

It embodied concepts of government never before tried in a modern political system. First was the principle expressed in the Declaration of Independence that government power is derived from the consent of the governed. This was a revolutionary idea in the age of kings. Even in countries with an elected assembly, ultimate sovereignty was held to be derived from the monarch. The Constitution advanced the novel idea that the people were the source of authority.

Another innovation was the separation of powers into three coequal branches and the accompanying system of checks and balances. While not new to political philosophy, having been expounded by Montesquieu, it was certainly new to political practice. It was indeed another quantum leap of imagination by the drafters of the Constitution arising out of their experiences with the hereditary and unitary systems of the Old World.

As James Madison stated in the *Federalist Papers*:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

It was a tyranny with which the drafters were all too familiar.

The third great principle embodied in the Constitution was that of federalism, of a system of enumerated and reserved powers, a respect of regional interests.

But a mere mechanical recitation of the provisions of the Constitution runs the risk of losing sight of its true genius. It is not merely a faded historical document to be gawked at by tourists visiting the National Archives. At the risk of overusing another cliché, it is a "living constitution."

As we in Congress wrestle with the intractable problems of our modern society, we are reminded time and again of the flexibility of this marvelous document—adapting, evolving, but always relevant. It has survived wars and depressions. It has survived the industrial revolution and internal revolution. It has survived the change in America's role from a nation exploring its frontiers to a nation exploring the stars.

Only a few years ago we celebrated the bicentennial of the Declaration of Independence, the document which defines the guiding principles of our Republic. It is appropriate that we now establish a commission to honor the bicentennial of the document that implements those principles. It will bring together Federal, State, and local government as well as the private sector and serve as a clearinghouse for bicentennial activities.

It is appropriate and necessary that we commemorate the adoption of the

Constitution. And I think that the events should focus on the relevance of the Constitution in our daily political life.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

COMMUNITY VOLUNTEER SERVICE ACT

Mr. BAKER. Mr. President, I would say next to the minority leader that I am cleared on this side to consider Calendar Order No. 287, S. 1129, together with the budget waiver to accompany that measure, which is Calendar Order No. 327, Senate Resolution 176, if the minority leader is similarly cleared.

Mr. BYRD. Mr. President, that matter has been cleared.

Mr. BAKER. I thank the Senator.

BUDGET ACT WAIVER

The resolution (S. Res. 176) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1129, was considered, and agreed to; as follows:

S. RES 176

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1129, a bill to authorize appropriations to provide for revision and extension of the Domestic Volunteer Service Act, and for other purposes. Such waiver is necessary to allow the authorization of an appropriation of \$147,993,000 for extension of the Domestic Volunteer Service Act for fiscal year 1984.

The waiver of section 402(a) is necessary to permit congressional consideration of statutory authority to provide resources for programs serving individuals through volunteers.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 15, 1983, deadline because the May 13, 1983, full committee markup was canceled.

The effect of not considering this authorization would be to deny services provided by volunteers to the recipients of these programs.

The desired authorization will not delay the appropriations process and can be accommodated in a fiscal year 1984 appropriations bill.

COMMUNITY VOLUNTEER SERVICE ACT, 1983

The Senate proceeded to consider the bill (S. 1129) to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, and for other purposes which had been reported from the Committee on Labor and Human Resources with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Community Volunteer Service Act of 1983".

THE WHITE HOUSE

WASHINGTON

January 30, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Initiative Regarding Need for Structural Reform as Part of the Celebration of the Bicentenary of the Constitution

Lloyd Cutler has written you with suggestions on Presidential initiatives to stimulate discussion on the need for structural reform of the Constitution. He has two ideas: (1) a Presidential commission and (2) Presidential comment on the subject in a speech or press conference. The former strikes me as ill-advised. Not only are there several groups already studying the matter, but I do not think we want this President to commemorate the Bicentennial of the Constitution by suggesting in a formal way that it should be significantly changed. I recommend simply thanking Cutler for his suggestions and noting that they -- particularly the second -- will be carefully considered.

Attachment

THE WHITE HOUSE
WASHINGTON

February 7, 1985

Dear Lloyd:

Thank you for your letter of January 10, containing suggestions for a Presidential initiative to prompt discussion on the need for structural reform of the Constitution. You suggested a Presidential advisory committee or mention by the President of the subject in a speech or press conference.

I am not certain that an advisory committee would add much to the work currently being done by the private groups, with which you are, of course, fully familiar. I will, however, keep alert for an opportunity to have this subject considered for inclusion in future Presidential remarks.

Thank you for your suggestions which, as usual, are insightful.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

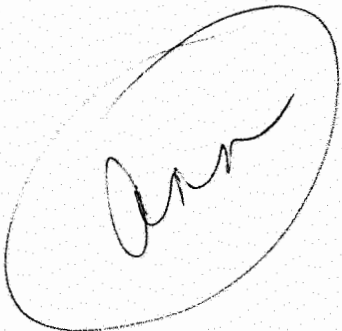
Lloyd N. Cutler, Esquire
Wilmer, Cutler & Pickering
1666 K Street, N.W.
Washington, D.C. 20006

FFF:JGR:aea 2/7/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

February 4, 1985



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Thank you for your suggestions, *which, as usual, are*

Sincerely,

INSIGHTFUL

Fred F. Fielding
Counsel to the President

Lloyd N. Cutler, Esquire
Wilmer, Cutler & Pickering
1666 K Street, N.W.
Washington, D.C. 20006

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Counsel to the President

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bcc: FFFielding
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Subj
Chron

THE WHITE HOUSE

WASHINGTON

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Sincerely,

Fred F. Fielding
Counsel to the President

Lloyd N. Cutler, Esquire
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1666 K Street, N.W.
Washington, D.C. 20006

FFF:JGR:aea 1/30/85
cc: FFFielding
JGRoberts
Subj
Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 85/10/15

Name of Correspondent: Lloyd N. Cutler

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Presidential initiative re: need for structural reform as part of the celebration of the bicentenary of the Constitution

ROUTE TO:	ACTION	Tracking Date	Disposition	Completion Date
Office/Agency (Staff Name)	Action Code	YY/MM/DD	Type of Response Code	YY/MM/DD
<u>W Holland</u>	ORIGINATOR	<u>85/10/15</u>		<u> / / </u>
<u>WAT18</u>	D	<u>85/10/15</u>	5	<u>85/10/17</u>
	Referral Note:	<u> / / </u>		<u> / / </u>
	Referral Note:	<u> / / </u>		<u> / / </u>
	Referral Note:	<u> / / </u>		<u> / / </u>
	Referral Note:	<u> / / </u>		<u> / / </u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/ Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOb).
 Always return completed correspondence record to Central Files.
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WILMER, CUTLER & PICKERING

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TELEX: 89-2402
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LLOYD N. CUTLER

DIRECT LINE (202)

872-6100

January 10, 1985

*JR - four terms
ps*
→ 1114
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TELEX: 851 883242
CABLE ADDRESS: WICRING LONDON

The Honorable Fred F. Fielding
Counsel to the President
The White House
Washington, D.C. 20500

Dear Fred:

In our talk after the meeting last Monday on presidential and congressional terms, I promised to submit some thoughts on the possibility of some presidential initiative to stimulate discussion of the need for structural reform as part of the celebration of the bicentenary of the Constitution.

One possibility would be for the President to appoint a commission on his own initiative, or to propose a statute appointing such a commission, to analyze whether there are structural weaknesses in the decision-making process and, if so, what statutory or constitutional changes, if any, would be desirable to correct these weaknesses. Such a commission could be authorized to conduct hearings and to file a report during 1987. It could be asked to consider questions like the line-item veto, the balance-the-budget amendment, the lengthening of congressional and presidential terms, limits on number of terms, etc.

Alternatively, the President could refer in some future address or press conference to the need for such an analysis and could commend the private groups now engaged in such activities, including Charlie Bartlett's group and the Committee on the Constitutional System of which Senator Kassebaum, Douglas Dillon and I are co-chairmen. At the same time he could put in a plug for the ideas that appeal to him most, such as the four-year congressional term and the line-item veto.

Best regards,

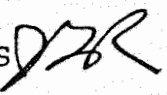
Lloyd
Lloyd N. Cutler

THE WHITE HOUSE

WASHINGTON

February 20, 1985

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS 

SUBJECT: Commission on the Bicentennial
of the U.S. Constitution

Pursuant to Section 4(a) of Public Law 98-101, 97 Stat. 719 (1983), the President is to appoint 20 of the 23 members of the Commission, as follows:

- A. 4 -- from recommendations submitted by the Speaker of the House
- B. 4 -- from recommendations submitted by the President pro tempore of the Senate
- C. 4 -- from recommendations submitted by the Chief Justice
- D. 8 -- unspecified.

Personnel has submitted the names of four people identified as from category A (Speaker), three from category B (Thurmond), and two from category C (Chief Justice). Of this total of nine prospective appointees, I have received Personal Data Statements from six.

Thus, there remain:

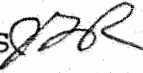
- A. 0 -- slots for the Speaker
- B. 1 -- slot for Thurmond
- C. 2 -- slots for the Chief Justice
- D. 8 -- slots for the President, unguided by recommendations from others.

THE WHITE HOUSE

WASHINGTON

February 21, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Commission on the Bicentennial
of the U.S. Constitution

The President is to appoint 20 of the 23 members of the Bicentennial Commission, including four from recommendations of the Speaker, four from recommendations of the President pro tempore of the Senate, and four from recommendations of the Chief Justice. (Each of these three officials is also a member in his own right.) Presidential Personnel has submitted the names of four people recommended by Speaker O'Neill, three recommended by Senator Thurmond, and two recommended by the Chief Justice. One of O'Neill's recommendations is Congressman Phillip Crane; one of Thurmond's is Senator Ted Stevens.

When he signed Public Law 98-101 creating the Commission on September 29, 1983, the President issued a signing statement noting that the Speaker, President pro tempore, and Chief Justice would "be able to participate only in ceremonial or advisory functions of the Commission...." The statement also noted that "in view of the Incompatibility Clause of the Constitution, any member of Congress appointed by me...may serve only in a ceremonial or advisory capacity." Thus, it is possible to proceed with the appointments of Congressman Crane and Senator Stevens, but they should clearly understand that they will have only a limited role on the Commission. I can draft a letter to them for your signature explaining this after I have received and reviewed their Personal Data Statements.

The appointments of Congressman Crane and Senator Stevens would result in five of the 23 members of the Commission having only ceremonial or advisory roles. A quorum of this Commission is 12, Public Law 98-101 Section 4(e), 97 Stat. 720, so there is no problem on that front, assuming that the remaining, unchosen appointees are not Congressmen.