Public Law 102-343
102d Congress

# An Act

To establish a commission to commemorate the 250th anniversary of the birth of Thomas Jefferson.

Aug. 17, 1992
[S. 959]

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

Thomas Jefferson Commemoration Commission Act.
36 USC 149 note.
36 USC 149 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Thomas Jefferson Commemoration Commission Act".

**SEC. 2. CONGRESSIONAL FINDINGS.**

The Congress finds that—

(1) April 13, 1993, marks the 250th anniversary of the birth of Thomas Jefferson;

(2) as author of the Declaration of Independence, Thomas Jefferson conceived and executed an affirmation of democratic government unequaled in both its eloquence and clarity;

(3) in an age of democratic awakening, Thomas Jefferson worked to promote government based on the consent of the people, to hold rulers continually responsible to the ruled, and to secure fundamental rights and liberties of free citizens;

(4) Thomas Jefferson was elected 3d President of the United States in 1801 and helped to establish the process by which ongoing political change is carried forward through public debate and free elections;

(5) with the Louisiana Purchase, Thomas Jefferson virtually doubled the size of the United States;

(6) the genius of Thomas Jefferson extended beyond the realm of politics and government to the adaptation of classic architecture, as exemplified by his home at Monticello and the grounds of the University of Virginia, which set an American standard of dignity, simplicity, and elegance;

(7) Thomas Jefferson encouraged American science in its infancy, and with his friend James Madison, laid the cornerstone of the American tradition of religious freedom and separation of church and state;

(8) Thomas Jefferson also championed universal public education, believing such education essential to democratic government as well as to advancement of knowledge and the pursuit of happiness;

(9) it is appropriate to remember and renew the legacy of Thomas Jefferson for the American people and, indeed for all mankind, during a time when the light of democracy is again bursting upon the world; and

(10) as the Nation approaches the 250th anniversary of the birth of Thomas Jefferson, it is appropriate to celebrate and commemorate this anniversary through local, national, and international observances and activities planned and coordinated by a national commission.

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36 USC 149 note.

**SEC. 3. ESTABLISHMENT.**

There is established a commission to be known as the Thomas Jefferson Commemoration Commission (in this Act referred to as the "Commission").

36 USC 149 note.

**SEC. 4. DUTIES.**

The Commission shall—

(1) plan and develop programs and activities appropriate to commemorate the 250th anniversary of the birth of Thomas Jefferson, including a limited number of projects to be undertaken by the Federal Government that harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(2) generally coordinate activities throughout the several States;

(3) honor historical locations associated with the life of Thomas Jefferson;

(4) recognize individuals and organizations that have significantly contributed to the preservation of Jefferson's ideals, writings, architectural designs, and other professional accomplishments, by the award and presentation of medals and certificates;

(5) encourage civic, patriotic, and historical organizations, and State and local governments, to organize and participate in anniversary activities commemorating the birth of Thomas Jefferson; and

(6) develop and coordinate any other activities relating to the anniversary of the birth of Thomas Jefferson as may be appropriate.

36 USC 149 note.

**SEC. 5. MEMBERSHIP.**

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 21 members, including—

(A) the Chief Justice of the United States or such individual's delegate;

(B) the Librarian of Congress or such individual's delegate;

(C) the Archivist of the United States or such individual's delegate;

(D) the President pro tempore of the Senate or such individual's delegate;

(E) the Speaker of the House of Representatives or such individual's delegate;

(F) the Secretary of the Interior or such individual's delegate;

(G) the Secretary of the Smithsonian Institution or such individual's delegate;

(H) the Secretary of Education or such individual's delegate;

(I) the Chairman of the National Endowment for the Humanities or such individual's delegate;

(J) the Executive Director of the Thomas Jefferson Memorial Foundation or such individual's delegate; and

(K) 11 citizens of the United States who are not officers or employees of any government, except to the extent they

are considered such officers or employees by virtue of their membership on the Commission.

(2) APPOINTMENTS BY PRESIDENT.—

(A) IN GENERAL.—The individuals referred to in paragraph (1)(K) shall be appointed by the President. The individuals shall be chosen based on their distinctive qualifications or experience in the fields of history, government, architecture, the applied sciences, or other professions that would enhance the work of the Commission and reflect the professional accomplishments of Thomas Jefferson.

(B) POLITICAL AFFILIATION.—Not more than 6 of the individuals appointed under subparagraph (A) may be affiliated with the same political party.

(C) RECOMMENDATIONS.—Of the individuals appointed under subparagraph (A)—

(i) 3 shall be appointed from among individuals who are recommended by the majority leader of the Senate in consultation with the minority leader of the Senate; and

(ii) 3 shall be appointed from among individuals who are recommended by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(b) TERMS.—Each member of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act for the life of the Commission.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) CHAIRPERSON.—The President shall designate the chairperson of the Commission from among the individuals appointed under subsection (a)(2). President.

(e) COMPENSATION.—

(1) RATES OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) MEETINGS.—The Commission shall meet at the call of the chairperson or a majority of its members.

(g) APPROVAL OF ACTIONS.—All official actions of the Commission under this Act shall be approved by the affirmative vote of not less than a majority of the members.

**SEC. 6. POWERS.** 36 USC 149 note.

(a) ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as it determines to be necessary to carry out this Act.

(b) DELEGATION OF AUTHORITY.—Any member or employee of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(c) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, in order to carry out this Act.

(2) RESTRICTION.—The contracts, leases, or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission.

(3) TERMINATION.—All supplies and property acquired by the Commission under this Act that remain in the possession of the Commission on the date of termination of the Commission shall become the property of the General Services Administration upon the date of the termination.

(d) INFORMATION.—

(1) IN GENERAL.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the chairperson of the Commission, the head of the Federal agency shall furnish the information to the Commission.

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

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

36 USC 149 note.

**SEC. 7. STAFF AND SUPPORT SERVICES.**

(a) EXECUTIVE DIRECTOR.—The Commission shall have an executive director appointed by the chairperson of the Commission with the advice of the Commission. The executive director may be paid at a rate not to exceed the maximum rate of basic pay payable for GS–15 of the General Schedule.

(b) STAFF.—The Commission may appoint and fix the pay of additional personnel as it considers appropriate, except that an individual so appointed may not receive pay in excess of the maximum rate of basic pay payable for GS–13 of the General Schedule.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except as provided in subsections (a) and (b).

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist it in carrying out its duties under this Act.

(e) EXPERTS AND CONSULTANTS.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at a rate which does not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

36 USC 149 note.

**SEC. 8. CONTRIBUTIONS.**

(a) DONATIONS.—The Commission may accept donations of money, personal services, and property, both real and personal, including

books, manuscripts, miscellaneous printed matter, memorabilia, relics and other materials related to Thomas Jefferson.

(b) USE OF FUNDS.—

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

(2) PROCUREMENT REQUIREMENTS.—In addition to any procurement requirement otherwise applicable to the Commission, the Commission shall conduct procurements of property or services involving donated funds pursuant to the small purchase procedures required by section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)). Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) shall not apply to such procurements.

(3) DEFINITION.—For purposes of paragraph (2), the term "donated funds" means any funds of which 50 percent or more derive from funds donated to the Commission.

(c) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

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

**SEC. 9. REPORTS.**

36 USC 149 note.

(a) INTERIM REPORT.—Not later than December 31, 1992, the Commission shall prepare and submit to the President and the Congress a report detailing the activities of the Commission, including an accounting of funds received and expended by the Commission, during the period beginning on the date of the enactment of this Act and ending not earlier than 30 days prior to the submission of the interim report.

(b) FINAL REPORT.—Not later than December 31, 1993, the Commission shall submit to the President and to the Congress a final report. The final report shall contain—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission;

(3) the findings, conclusions, and recommendations of the Commission;

(4) specific recommendations concerning the final disposition of historically significant items donated to the Commission under section 8(a); and

(5) any additional views of any member of the Commission concerning the Commission's recommendations that such member requests to be included in the final report.

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

36 USC 149 note.

(a) IN GENERAL.—The Inspector General of the General Services Administration shall audit financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards. In conducting an audit pursuant to this section, the Inspector General shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as

necessary to facilitate the audit, and shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(b) REPORTS.—Not later than December 31, 1992, the Inspector General of the General Services Administration shall submit to the President and to the Congress a report detailing the results of any audit of the financial transactions of the Commission conducted before such date. Not later than March 4, 1994, such Inspector General shall submit to the President and to the Congress a report detailing the results of any audit of the financial transactions of the Commission conducted during the period beginning on December 31, 1992, and ending on December 31, 1993.

36 USC 149 note.

**SEC. 11. TERMINATION.**

The Commission shall terminate not later than 60 days following submission of the final report required by section 9.

36 USC 149 note.

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

There are authorized to be appropriated to carry out this Act $250,000 for fiscal year 1993 and $62,500 for fiscal year 1994.

Approved August 17, 1992.

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LEGISLATIVE HISTORY—S. 959 (H.R. 5056):

HOUSE REPORTS: No. 102-690 accompanying H.R. 5056 (Comm. on Post Office and Civil Service).

CONGRESSIONAL RECORD:

Vol. 137 (1991): Nov. 15, considered and passed Senate.

Vol. 138 (1992): July 28, H.R. 5056 considered and passed House; S. 959, amended, passed in lieu.

July 30, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):

Aug. 17, Presidential statement.