

Calendar No. 309

107TH CONGRESS
2^D SESSION

H. R. 2362

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2001

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Read the first time

JANUARY 23, 2002

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AN ACT

To establish the Benjamin Franklin Tercentenary
Commission.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be referred to as the “Benjamin Frank-
3 lin Tercentenary Commission Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds as follows:

6 (1) Benjamin Franklin was one of the most ex-
7 traordinary men of the generation that founded the
8 United States. Around the world, he remains one of
9 the best-known Americans who has ever lived.

10 (2) Benjamin Franklin’s achievements include
11 his literary work, his creation of philanthropic and
12 educational institutions, his significant scientific ex-
13 plorations, and his service to the Nation as a states-
14 man and diplomat.

15 (3) Benjamin Franklin was the only American
16 to sign all 5 enabling documents of the United
17 States.

18 (4) All people in the United States could benefit
19 from studying the life of Benjamin Franklin and
20 gaining a deeper appreciation of his legacy to the
21 Nation.

22 (5) January 17, 2006, is the 300th anniversary
23 of the birth of Benjamin Franklin, and a commis-
24 sion should be established to study and recommend
25 to the Congress activities that are fitting and proper

1 to celebrate that anniversary in a manner that ap-
2 propriately honors Benjamin Franklin.

3 **SEC. 3. ESTABLISHMENT.**

4 There is established a commission to be known as the
5 Benjamin Franklin Tercentenary Commission (referred to
6 in this Act as the “Commission”).

7 **SEC. 4. DUTIES.**

8 (a) STUDY.—The Commission shall have the fol-
9 lowing duties:

10 (1) To study activities by the Government that
11 would be fitting and proper to honor Benjamin
12 Franklin on the occasion of the tercentenary of his
13 birth, including but not limited to the following:

14 (A) The minting of a Benjamin Franklin
15 tercentenary coin.

16 (B) The rededication of the Benjamin
17 Franklin National Memorial at the Franklin In-
18 stitute in Philadelphia, Pennsylvania, or other
19 activities with respect to that memorial.

20 (C) The acquisition and preservation of ar-
21 tifacts associated with Benjamin Franklin.

22 (D) The sponsorship of publications, in-
23 cluding catalogs and scholarly work, concerning
24 Benjamin Franklin.

1 (E) The sponsorship of conferences, exhibi-
2 tions, or other public meetings concerning Ben-
3 jamin Franklin.

4 (F) The sponsorship of high school and
5 collegiate essay contests concerning the life and
6 legacy of Benjamin Franklin.

7 (2) To recommend to the Congress in one or
8 more of the interim reports submitted under section
9 9(a)—

10 (A) the activities that the Commission con-
11 siders most fitting and proper to honor Ben-
12 jamin Franklin on the occasion of the tercente-
13 nary of his birth; and

14 (B) the entity or entities in the Federal
15 Government that the Commission considers
16 most appropriate to carry out such activities.

17 (b) POINT OF CONTACT.—The Commission, acting
18 through its secretariat, shall serve as the point of contact
19 of the Government for all State, local, international, and
20 private sector initiatives regarding the tercentenary of
21 Benjamin Franklin's birth, with the purpose of coordi-
22 nating and facilitating all fitting and proper activities hon-
23 oring Benjamin Franklin.

1 **SEC. 5. MEMBERSHIP.**

2 (a) NUMBER AND APPOINTMENT.—The Commission
3 shall be composed of 15 members as follows:

4 (1) The Librarian of Congress.

5 (2) Fourteen qualified citizens, appointed as
6 follows:

7 (A) Two members appointed by the Presi-
8 dent.

9 (B) Two members appointed by the Presi-
10 dent on the recommendation of the Governor of
11 the Commonwealth of Pennsylvania.

12 (C) Two members appointed by the Presi-
13 dent on the recommendation of the Governor of
14 the Commonwealth of Massachusetts.

15 (D) Two members, at least one of whom
16 shall be a Senator, appointed by the majority
17 leader of the Senate.

18 (E) Two members, at least one of whom
19 shall be a Senator, appointed by the minority
20 leader of the Senate.

21 (F) Two members, at least one of whom
22 shall be a Member of the House of Representa-
23 tives, appointed by the Speaker of the House of
24 Representatives.

25 (G) Two members, at least one of whom
26 shall be a Member of the House of Representa-

1 tives, appointed by the minority leader of the
2 House of Representatives.

3 (b) QUALIFIED CITIZEN.—For purposes of this sec-
4 tion, a qualified citizen is a citizen of the United States
5 with—

6 (1) a substantial knowledge and appreciation of
7 the work and legacy of Benjamin Franklin; and

8 (2) a commitment to educating people in the
9 United States about the historical importance of
10 Benjamin Franklin.

11 (c) TIME OF APPOINTMENT.—Each initial appoint-
12 ment of a member of the Commission shall be made before
13 the expiration of the 120-day period beginning on the date
14 of the enactment of this Act.

15 (d) CONTINUATION OF MEMBERSHIP.—If a member
16 of the Commission was appointed to the Commission as
17 a Member of the Congress, and ceases to be a Member
18 of the Congress, that member may continue to serve on
19 the Commission for not longer than the 30-day period be-
20 ginning on the date on which that member ceases to be
21 a Member of the Congress.

22 (e) TERMS.—Each member shall be appointed for the
23 life of the Commission.

24 (f) VACANCIES.—A vacancy in the Commission shall
25 not affect the powers of the Commission and shall be filled

1 in the manner in which the original appointment was
2 made.

3 (g) BASIC PAY.—Members shall serve on the Com-
4 mission without pay.

5 (h) TRAVEL EXPENSES.—Each member shall receive
6 travel expenses, including per diem in lieu of subsistence,
7 in accordance with applicable provisions under subchapter
8 I of chapter 57 of title 5, United States Code.

9 (i) QUORUM.—Five members of the Commission shall
10 constitute a quorum, but a lesser number may hold hear-
11 ings.

12 (j) CHAIR.—The Commission shall select a Chair
13 from among the members of the Commission.

14 (k) MEETINGS.—The Commission shall meet at the
15 call of the Chair.

16 **SEC. 6. ORGANIZATION.**

17 (a) HONORARY MEMBERS.—The President—

18 (1) shall serve as an honorary, nonvoting mem-
19 ber of the Commission; and

20 (2) may invite the President of France and the
21 Prime Minister of the United Kingdom to serve as
22 honorary, nonvoting members of the Commission.

23 (b) ADVISORY COMMITTEE.—The Commission shall
24 form an advisory committee, to be composed of represent-

1 atives of the major extant institutions founded by or dedi-
2 cated to Benjamin Franklin, including the following:

3 (1) The Executive Director of the American
4 Philosophical Society.

5 (2) The President of the Franklin Institute.

6 (3) The Librarian of the Library Company.

7 (4) The Director and Chief Executive Officer of
8 the Philadelphia Museum of Art.

9 (5) The President of the University of Pennsyl-
10 vania.

11 (c) ADMINISTRATIVE SECRETARIAT.—The Commis-
12 sion shall seek to enter into an arrangement with the
13 Franklin Institute of Philadelphia, Pennsylvania, under
14 which the Institute shall do the following:

15 (1) Serve as the secretariat of the Commission,
16 including by serving as the point of contact under
17 section 4(b).

18 (2) House the administrative offices of the
19 Commission.

20 **SEC. 7. POWERS.**

21 (a) HEARINGS AND SESSIONS.—The Commission
22 may, for the purpose of carrying out this Act, hold such
23 hearings, sit and act at such times and places, take such
24 testimony, and receive such evidence as the Commission
25 considers appropriate.

1 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
2 ber or agent of the Commission may, if authorized by the
3 Commission, take any action that the Commission is au-
4 thorized to take by this Act.

5 (c) OBTAINING OFFICIAL DATA.—The Commission
6 may secure directly from any department or agency of the
7 United States information necessary to enable the Com-
8 mission to carry out this Act. Upon request of the Chair
9 of the Commission, the head of that department or agency
10 shall furnish that information to the Commission.

11 (d) MAILS.—The Commission may use the United
12 States mails in the same manner and under the same con-
13 ditions as other departments and agencies of the United
14 States.

15 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
16 the request of the Commission, the Administrator of Gen-
17 eral Services shall provide to the Commission, on a reim-
18 bursable basis, the administrative support services nec-
19 essary for the Commission to carry out its responsibilities
20 under this Act.

21 (f) PROCUREMENT.—The Commission may enter into
22 contracts for supplies, services, and facilities to carry out
23 the Commission's duties under this Act.

24 (g) DONATIONS.—The Commission may accept and
25 use donations of—

- 1 (1) money;
- 2 (2) personal services; and
- 3 (3) real or personal property related to Ben-
4 jamin Franklin or the occasion of the tercentenary
5 of his birth.

6 **SEC. 8. DIRECTOR AND STAFF.**

7 (a) APPOINTMENT.—The Commission may appoint a
8 Director and such additional personnel as the Commission
9 considers to be appropriate.

10 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE
11 LAWS.—The Director and staff of the Commission may
12 be appointed without regard to the provisions of title 5,
13 United States Code, governing appointments in the com-
14 petitive service, and may be paid without regard to the
15 provisions of chapter 51 and subchapter III of chapter 53
16 of that title relating to classification and General Schedule
17 pay rates.

18 **SEC. 9. REPORTS.**

19 (a) INTERIM REPORTS.—The Commission shall sub-
20 mit to the Congress such interim reports as the Commis-
21 sion considers to be appropriate.

22 (b) FINAL REPORT.—The Commission shall submit
23 a final report to the Congress not later than January 16,
24 2007. The final report shall contain—

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