

UNANIMOUS-CONSENT REQUEST— S. 2015

Mr. LOTT. Mr. President, with regard to the Stem Cell Research Act of 2000, Senator SPECTER has been very energetic in pursuing the opportunity to offer this legislation.

As I had agreed earlier, I now ask unanimous consent that notwithstanding rule XXII, the HELP Committee be discharged from further consideration of S. 2015, and the Senate proceed to its immediate consideration under the following terms: 3 hours on the bill to be equally divided in the usual form; that there be up to one relevant amendment in order for each leader, that they be offered in the first degree, limited to 1 hour equally divided and not subject to any second-degree amendments; that no motions to commit or recommit be in order.

I further ask unanimous consent that following the conclusion or use of the debate time and the disposition of the above-described amendments, the bill be advanced to third reading and a vote occur on passage of the bill, as amended, if amended, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, I have a number of questions under my reservation. First of all, we were of the understanding that this unanimous consent that was proposed had not been cleared on the majority leader's side earlier today.

Mr. LOTT. There very well could be objections on this side, too.

Mr. BROWNBACK. I will object to this proposal.

Mr. LOTT. I think there are objections on both sides to this, but I made a commitment to do everything I could to try to get this issue to be considered by the full Senate. Senator SPECTER feels very strongly about it, is committed to it, and has been reasonable in waiting for an opportunity to offer it. I know there are objections to it on both sides, and there is no question that there is objection on this side. I felt constrained to make this effort. It is a serious effort.

Mr. REID. If I may say to the leader, Senator SPECTER has spoken to me. I know how intensely he feels about the issue. I said the same thing to him that the leader has said, that I would do everything I could to get this worked out. Whoever is not allowing it to be cleared, it is not being cleared now.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I yield the floor, Mr. President.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

JAMES MADISON COMMEMORATION COMMISSION ACT

Mr. SESSIONS. Mr. President, March 16, 2001, will mark the 250th anniversary

of the birth of James Madison, who clearly earned the title: Father of our Constitution.

This great American devoted his life to the service of his country and his fellow man, and that service played an essential role in creating and protecting the constitutional liberty that we enjoy today.

Accordingly, I intend to offer the bipartisan James Madison Commemoration Commission Act to celebrate the life and contributions of this small man who was a giant of liberty.

James Madison was born on March 16, 1751 in Port Conway, VA. He was raised at Montpelier, his family's estate in Orange County, VA. He attended the College of New Jersey, now known as Princeton University, where he excelled academically and graduated in 1771. Shortly after his graduation, Madison embarked on a legal career. In 1774, at the age of 23, Madison entered political life. He was first elected to the Orange County Committee of Safety. Following that, he was elected as delegate to the Constitutional Convention of Virginia in 1776. He next served as a member of the Continental Congress from 1780 to 1783. This provided him marvelous insight into the nature of our early American government and ideals.

After America won its freedom at Yorktown, the country looked to strengthen the government that had proven too helpless under the Articles of Confederation. A Constitutional Convention was called in Philadelphia. It was here that Madison was to play the most important role of his life, dwarfing, in my view, his subsequent excellent service to his country.

From 1784 to 1786, Madison was a member of the Constitutional Convention. He served as a primary draftsman of the Constitution. Thomas Jefferson, who was in France at the time, and who did not participate in the Constitutional Convention, did suggest a number of books that would aid the young draftsman in preparing for his historic task. With these books and others, Madison engaged in an extensive study of the ancient governments of Greece and Rome and of the more modern governments of Italy and England, among others. No one came to Philadelphia so intentionally, practically, and historically prepared to create a new government.

Madison posed his task as follows:

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place, oblige it to control itself.

This he wrote in Federalist No. 51.

At the convention, delegates made impassioned arguments regarding the relative powers of big States, small States, Northern States, Southern States, and there were those who feared that a strong national govern-

ment might dominate all States. In month after month of untiring argument, careful persuasion, and creative compromise, Madison reached answers upon which the delegates could agree. There would be a Federal Government of separated and enumerated powers. Large States would have their votes based on population in the House of Representatives. Small States would have equal, two-vote, representation in this body, the Senate.

Further, the powers of the Federal Government would be limited to enumerated objects in order to protect all the States from Federal overreaching. Madison described the Federal Republic, states and federal governments, that the Constitution envisioned as follows:

In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.

He was writing that in Federalist No. 51.

In addition to playing a leading role in framing this new government, Madison also made detailed notes on the proceedings of the Constitutional Convention. Madison's notes on the Constitutional Convention have proven the most extensive and accurate account of how our Founding Fathers framed the greatest form of government in the history of mankind.

Once the Constitutional Convention reached an agreement, the States had to ratify the Constitution and make it binding fundamental law. Madison contributed to that fight for ratification in three ways. It was a critical, tough fight.

First, he joined with Alexander Hamilton and John Jay in drafting the Federalist Papers which were circulated among New York newspapers under the pseudonym Publius.

These papers contained perhaps the most vivid and profound pages of practical political philosophy ever produced. They answered with force and eloquence the arguments of the antifederalists and helped sway public opinion toward ratification.

Second, Madison fought in the Virginia ratification convention for the adoption of the Constitution.

It was critical that Virginia ratify the Constitution. Joining with John Marshall, the future great Chief Justice of the Supreme Court, Madison argued against the fiery orator, Patrick Henry. Henry, who argued so forcefully for declaring independence from Great Britain, charged that the new Constitution would vest too much power in the Federal Government. Madison countered that the powers of the Federal Government would be limited to enumerated objects and subject to the control of people.

Third, Madison helped to develop the Bill of Rights which limited the power

of the Federal Government further and ensured the power of the states and the liberty of the people. He was a critical drafter in the development of the Bill of Rights.

Madison's herculean efforts, along with the efforts of others, resulted in the ratification of the Constitution with a Bill of Rights. This constitutional government enabled a fledgling democracy to grow into the most powerful force for liberty the world has ever known. He was the right man at the right time.

Notwithstanding Madison's intellectual prowess and the thoughtful, reflective approach he brought to problem-solving, humility was the hallmark of this man. In later years, when he was referred to as the Father of the Constitution, Madison modestly protested that the document was not "the offspring of a single brain" but "the work of many heads and many hands." It was true, but it was done under his nurturing care.

After Madison's service at the Constitutional Convention, he served in the U.S. House of Representatives for four terms. When Thomas Jefferson was elected President in 1801, he selected Madison to serve as his Secretary of State.

At the conclusion of Jefferson's administration, the American people twice elected James Madison President of the United States. As President, he watched over the very government he played such a crucial role in creating. And his steady leadership in the War of 1812 against Great Britain helped guide America to victory.

While these accomplishments are remarkable indeed, the really remarkable thing is the enduring nature of Madison's imprint on American history. Amended only 17 times after its ratification with the Bill of Rights, the Constitution that Madison drafted still provides the same basic structure upon which our government operates today and that we comply with every day in this body.

The Supreme Court still quotes the Federalist Papers that Madison drafted. And Madison's concept of federalism is the subject of renewed debate in the Supreme Court and Congress at this time.

The Constitution that Madison drafted, and his writings that have guided generations of Americans in interpreting that Constitution, are still the envy of the world. Madison's wisdom and foresight have been proven by the indisputable success of the American constitutional experiment. Indeed, while we are a young country, this nation has the oldest continuous written Constitution in the world. It is a beacon and example for others. Many try and are not able to make it work, but they have modeled their constitutions so often after ours.

Why has it worked? Because Madison understood that the law must be suited to the people it is intended to govern. In Federalist No. 51, Madison stated:

What is government itself but the greatest of all reflections on human nature?

And a constitution that protects liberty is suited to a people who love liberty to the extent that they are willing to fight and die for it.

So, Mr. President, it is with great pride that I join with other Senators on both sides of the aisle, including Senators BYRD, THURMOND, MOYNIHAN, WARNER, and ROBB, to offer at the appropriate time, this bill establishing the James Madison Commemoration Commission. The Commission will celebrate the 250th anniversary of James Madison's birth on March 16, 2001.

The commission will consist of 19 members: The Chief Justice of the Supreme Court, the Majority and Minority Leaders of the Senate, the Speaker and Minority Leader of the House, the Chairmen and Ranking Members of the Senate and House Judiciary Committees, two Members of the Senate selected by the Majority Leader, two Members of the Senate selected by the Minority Leader, two Members of the House of Representatives selected by the Speaker, two Members of the House of Representatives selected by the Minority Leader of the House, and two members of the Executive Branch selected by the President. A person not able to serve may designate a substitute. Members will be chosen based on their position at the end of the 106th Congress and will continue to serve until the expiration of the Commission.

The bill will also create an Advisory Committee with 14 members, including: the Archivist of the United States, the Secretary of the Smithsonian Institute, the Executive Director of Montpelier, the President of James Madison University, the Director of the James Madison Center, the President of the James Madison Memorial Fellowship Foundation, 2 persons who are not Members of Congress selected by the majority leader of the Senate, with expertise on the legal and historical significance of James Madison, 2 persons who are not Members of Congress, selected by the minority leader of the Senate, 2 persons who are not Members of Congress, selected by the Speaker of the House, and 2 persons who are not Members of Congress, selected by the minority leader of the House.

With the aid of the Advisory Committee, the Commission will:

1. Publish a collection of Madison's most important writings and tributes to Madison;
2. Coordinate and plan a symposium to provide a better understanding of Madison's contributions to American political culture;
3. Recognize other events celebrating Madison's life and contributions;
4. Accept essay papers from students on Madison's life and contributions and award certificates as appropriate; and
5. Bestow honorary memberships on the Commission and the Advisory Committee.

The bill authorizes \$250,000 for the Commission. This will be used for the

expenses of publishing the book and hosting a symposium.

The Commission will expire after its work is done in 2001.

Mr. President, I believe this work is truly important to our country. I ask all my colleagues—and we have had a growing number of individuals who have joined as co-sponsors of this bill—to join in this effort to commemorate the Father of our Constitution and perhaps the greatest practical political scientist who ever lived, James Madison.

I yield the floor.

Mr. KENNEDY. Mr. President, I am pleased to gain Senator SESSIONS as a cosponsor of the James Madison Commemoration Commission Act. It is appropriate that we honor James Madison for his exemplary contributions to our country.

The Commission will build on the success of the James Madison Fellowship Foundation, which Senator HATCH and I cochair. We are very proud of the work of the Madison Fellows. They are among the most accomplished, talented, and dedicated educators in the Nation. They are committed to educating children across the country about the value of learning, the importance of the Constitution, and the significance of public service.

I hope that this new Commission honoring James Madison will breathe new life into the Constitution for people across the country.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

STEM CELL LEGISLATION

Mr. SPECTER. Mr. President, I was not on the floor a few moments ago when the distinguished majority leader and the assistant leader for the Democrats had a colloquy when the majority leader propounded a unanimous consent request concerning legislation on stem cells. I think it useful to make a brief comment or two and then to have, if I might, a brief discussion with the majority leader about what will happen on the future of the bill.

The stem cell legislation in question would eliminate the prohibition now in effect which limits the use of Federal funds, principally from the National Institutes of Health, from paying for extracting stem cells from embryos. Once the stem cells have been extracted from embryos, then Federal funds may be used on their research, and private funds—if I might have the attention of the majority leader for a moment while we discuss the stem cell issue, as to what is going to happen next. Without describing the legislation—which I can in a minute—I ask the distinguished majority leader what he anticipates in the future.

When this issue to eliminate the limitation on funding was stricken from the appropriations bill last year, it was done so after I consulted with the majority leader because concluding it would have resulted in a filibuster and