

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5391

To establish the White House Commission on the National Moment of Remembrance.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2000

Mr. ROHRABACHER introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To establish the White House Commission on the National Moment of Remembrance.

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

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “National Moment of  
5        Remembrance Act”.

6        **SEC. 2. FINDINGS.**

7        The Congress finds the following:

8                (1) It is essential to remember and renew the  
9        legacy of Memorial Day, which was established in  
10       1868 to pay tribute to those individuals who have

1 made the ultimate sacrifice in service to the United  
2 States and their families.

3 (2) Greater strides must be made to dem-  
4 onstrate appreciation for these loyal Americans  
5 whose values, represented by their sacrifices, are  
6 critical to the future of the Nation.

7 (3) The Government has a responsibility to  
8 raise awareness of and respect for national heritage  
9 and to encourage citizens to dedicate themselves to  
10 the values and principles for which the Nation's he-  
11 roes died.

12 (4) The relevance of Memorial Day must be  
13 made more apparent to present and future genera-  
14 tions of Americans through local and national ob-  
15 servances and ongoing activities.

16 (5) In House Concurrent Resolution 302 agreed  
17 to May 25, 2000, the Congress called on the people  
18 of the United States in a symbolic act of unity to  
19 observe a National Moment of Remembrance to  
20 honor the men and women of the United States who  
21 died in the pursuit of freedom and peace.

22 (6) In Presidential Proclamation No. 7315 (65  
23 Fed. Reg. 34907), the President proclaimed Memo-  
24 rial Day, May 29, 2000, as a day of prayer for per-  
25 manent peace, and designated 3:00 p.m. local time

1 on that day as the time to join in prayer and to ob-  
2 serve the National Moment of Remembrance.

3 (7) A National Moment of Remembrance and  
4 other commemorative events are needed to reclaim  
5 Memorial Day as the sacred and noble event it is in-  
6 tended to be.

7 **SEC. 3. NATIONAL MOMENT OF REMEMBRANCE COMMIS-**  
8 **SION.**

9 There is established within the executive branch a  
10 commission to be known as the White House Commission  
11 on the National Moment of Remembrance.

12 **SEC. 4. COMMISSION MEMBERSHIP.**

13 (a) NUMBER AND APPOINTMENT.—The Commission  
14 shall be composed of 13 members, as follows:

15 (1) 4 members appointed by the President, in-  
16 cluding a representative of tribal governments.

17 (2) The Secretary of Defense, or a designee of  
18 the Secretary.

19 (3) The Secretary of Veterans Affairs, or a des-  
20 ignee of the Secretary.

21 (4) The Secretary of the Smithsonian Institu-  
22 tion, or a designee of the Secretary.

23 (5) The Director of the Office of Personnel  
24 Management, or a designee of the Director.

1           (6) The Administrator of General Services, or a  
2           designee of the Administrator.

3           (7) The Secretary of Transportation, or a des-  
4           ignee of the Secretary.

5           (8) The Secretary of Education, or a designee  
6           of the Secretary.

7           (9) The Secretary of the Interior, or a designee  
8           of the Secretary.

9           (10) The Executive Director of the President's  
10          Commission on White House Fellows, or a designee  
11          of the Executive Director.

12          (b) APPOINTMENTS.—All appointments under sub-  
13          section (a) shall be made not later than 90 days after the  
14          date of the enactment of this Act.

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

18          (d) EX OFFICIO MEMBERS.—In addition to the mem-  
19          bers appointed under subsection (a), the Commission shall  
20          include nonvoting, ex officio members, as follows:

21                  (1) The Secretary of the Army, or a designee  
22                  of the Secretary.

23                  (2) The Secretary of the Navy, or a designee of  
24                  the Secretary.

1           (3) The Secretary of the Air Force, or a des-  
2           ignee of the Secretary.

3           (4) The Commandant of the Marine Corps, or  
4           a designee of the Commandant.

5           (5) The Commandant of the Coast Guard, or a  
6           designee of the Commandant.

7           (6) The Librarian of Congress, or a designee of  
8           the Librarian.

9           (7) Any other members the Commission deter-  
10          mines necessary to fulfill its mission.

11         (e) COMPENSATION.—

12           (1) PROHIBITION OF PAY.—Members of the  
13          Commission, including ex officio members, shall re-  
14          ceive no pay for their service on the Commission.

15           (2) TRAVEL EXPENSES.—Each member of the  
16          Commission, including each ex officio member, shall  
17          receive reimbursement for travel expenses, including  
18          per diem in lieu of subsistence, in accordance with  
19          sections 5702 and 5703 of title 5, United States  
20          Code.

21         (f) QUORUM.—A majority of the members of the  
22          Commission, excluding ex officio members, shall constitute  
23          a quorum, but a lesser number may hold hearings.

24         (g) MEETING; CHAIRPERSON; VICE CHAIRPERSON.—  
25          Not later than the date under subsection (b) for comple-

1 tion of appointments, the Commission shall meet and se-  
2 lect a Chairperson and Vice Chairperson from the mem-  
3 bers appointed under subsection (a).

4 **SEC. 5. DUTIES.**

5 The Commission shall—

6 (1) encourage Americans to give something  
7 back to the Nation, which provides them so much  
8 freedom and opportunity;

9 (2) encourage national, State, local, and tribal  
10 participation in commemoration of Memorial Day  
11 and the National Moment of Remembrance by indi-  
12 viduals and entities including—

13 (A) national humanitarian and patriotic  
14 organizations;

15 (B) elementary, secondary, and higher edu-  
16 cation institutions;

17 (C) veterans' societies and civic, patriotic,  
18 educational, sporting, artistic, cultural, and his-  
19 torical organizations;

20 (D) Federal departments and agencies;

21 (E) museums, including cultural and his-  
22 torical museums; and

23 (F) State, local, and tribal governments;

24 and

1           (3) provide national coordination for commemo-  
2           rations in the United States of Memorial Day or the  
3           National Moment of Remembrance.

4 **SEC. 6. POWERS AND LIMITATIONS.**

5           (a) HEARINGS AND SESSIONS.—

6           (1) IN GENERAL.—The Commission may, for  
7           the purpose of carrying out this Act, hold hearings,  
8           sit and act at times and places, take testimony, and  
9           receive evidence as the Commission considers appro-  
10          prium.

11          (2) PUBLIC PARTICIPATION.—The Commission  
12          shall provide for reasonable public participation in  
13          matters before the Commission.

14          (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
15          ber or agent of the Commission may, if authorized by the  
16          Commission, take any action that the Commission is au-  
17          thorized to take under this Act.

18          (c) AUTHORITY TO PROCURE AND TO MAKE LEGAL  
19          AGREEMENTS.—

20          (1) IN GENERAL.—To the extent or in the  
21          amounts provided in advance in appropriations Acts,  
22          the Chairperson, the Vice Chairperson, or the Exec-  
23          utive Director and White House Liaison of the Com-  
24          mission may procure on behalf of the Commission  
25          supplies, services, and property, and enter into

1 leases and other legal agreements in order to carry  
2 out this Act.

3 (2) RESTRICTIONS.—

4 (A) WHO MAY ACT ON BEHALF OF COM-  
5 MISSION.—Except as provided in paragraph (1),  
6 no person is authorized by this Act to make  
7 such procurements or enter into such leases or  
8 other legal agreements.

9 (B) DURATION OF LEGAL AGREEMENTS.—

10 A contract, lease, or other legal agreement en-  
11 tered into by the Commission may not extend  
12 beyond the date of the termination of the Com-  
13 mission.

14 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon  
15 the request of the Commission, the Administrator of Gen-  
16 eral Services shall provide to the Commission, on a reim-  
17 bursable basis, the administrative support services, includ-  
18 ing the provision of property, equipment, and office space,  
19 necessary for the Commission to carry out its responsibil-  
20 ities under this Act.

21 (e) SUPPLIES AND PROPERTY POSSESSED BY COM-  
22 MISSION AT TERMINATION.—Any supplies, property, or  
23 other assets that are acquired by the Commission under  
24 this Act and remain in the possession of the Commission  
25 on the date of the termination of the Commission shall



1 become property of the General Services Administration  
2 on that date.

3 (f) **MAILS.**—The Commission may use the United  
4 States mails in the same manner and under the same con-  
5 ditions as other departments and agencies of the United  
6 States.

7 **SEC. 7. EXECUTIVE DIRECTOR AND WHITE HOUSE LIAISON;**  
8 **STAFF; SUPPORT SERVICES.**

9 (a) **EXECUTIVE DIRECTOR AND WHITE HOUSE LIAI-**  
10 **SON OF THE COMMISSION.**—

11 (1) **APPOINTMENT.**—The Director of the Com-  
12 mittee Management Secretariat of the General Serv-  
13 ices Administration shall appoint an individual as  
14 Executive Director and White House Liaison.

15 (2) **DUTIES.**—The Executive Director and  
16 White House Liaison shall serve as a liaison between  
17 the Commission and the President and shall coordi-  
18 nate the efforts of the Commission and the Presi-  
19 dent on all matters relating to this Act, including  
20 matters relating to the National Moment of Remem-  
21 brance.

22 (3) **EX OFFICIO MEMBER.**—The Executive Di-  
23 rector and White House Liaison shall be a non-  
24 voting, ex officio member of the Commission.

1           (4) PAY.—The Executive Director and White  
2           House Liaison may be paid at a rate not to exceed  
3           the maximum rate of basic pay for level IV of the  
4           Executive Schedule.

5           (b) STAFF.—The Commission may appoint and fix  
6           the pay of additional personnel as it considers appropriate,  
7           except that an individual appointed under this subsection  
8           may not receive pay in excess of the maximum rate of  
9           basic pay for GS–15 of the General Schedule.

10          (c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE  
11          LAWS.—The Executive Director and White House Liaison  
12          and the staff of the Commission may be appointed without  
13          regard to the provisions of title 5, United States Code,  
14          governing appointments in the competitive service and  
15          may be paid without regard to the provisions of chapter  
16          51 and subchapter III of chapter 53 of such title, relating  
17          to classification and General Schedule pay rates, except  
18          as provided under subsections (a) and (b).

19          (d) FEDERAL COOPERATION.—To ensure the overall  
20          success of the Commission’s efforts, the Commission may  
21          request the head of any department or agency of the  
22          United States to furnish information or render assistance  
23          to the Commission for the purpose of carrying out this  
24          Act. Upon such a request, the head of that department

1 or agency, if appropriate and unless prohibited by law,  
2 shall furnish such information or render such assistance.

3 (e) **DETAIL OF STAFF OF FEDERAL AGENCIES.**—

4 Upon request by the Chairperson, the Vice Chairperson,  
5 or the Executive Director and White House Liaison of the  
6 Commission, the head of any department or agency of the  
7 United States may detail to the Commission, on a non-  
8 reimbursable basis, any of the personnel of the department  
9 or agency to assist the Commission to carry out its duties  
10 under this Act.

11 (f) **COOPERATIVE AGREEMENTS.**—The Commission  
12 may enter into any cooperative agreement with another  
13 entity, including any Federal agency, State or local gov-  
14 ernment, or private entity, under which the entity may as-  
15 sist the Commission to carry out its duties under this Act  
16 and contribute to public awareness of and interest in Me-  
17 morial Day and the National Moment of Remembrance.

18 (g) **SUPPORT FROM NONPROFIT SECTOR.**—The  
19 Commission may receive program support from the non-  
20 profit sector.

21 **SEC. 8. CONTRIBUTIONS.**

22 (a) **GIFTS, BEQUESTS, AND DEVISES.**—To the extent  
23 or in the amounts provided in advance in appropriations  
24 Acts, the Commission may solicit, accept, use, and dispose

1 of gifts, bequests, or devises of property, real and per-  
2 sonal, for the purpose of the work of the Commission.

3 (b) VOLUNTEER SERVICES.—The Commission may  
4 accept and use voluntary and uncompensated services as  
5 the Commission determines necessary.

6 **SEC. 9. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS,**  
7 **SEALS, AND MARKS.**

8 (a) IN GENERAL.—The Commission may devise any  
9 logo, emblem, seal, or other designating mark that is re-  
10 quired to carry out its duties or that it determines is ap-  
11 propriate for use in connection with the commemoration  
12 of Memorial Day or the National Moment of Remem-  
13 brance.

14 (b) LICENSING.—The Commission shall have the sole  
15 and exclusive right to use, or to allow or refuse the use  
16 of, the name “White House Commission on the National  
17 Moment of Remembrance” on any logo, emblem, seal, or  
18 descriptive or designating mark that the Commission law-  
19 fully adopts.

20 (c) EFFECT ON OTHER RIGHTS.—This section shall  
21 not be construed to affect established or vested rights.

22 (d) USE OF FUNDS.—To the extent and in the  
23 amounts provided in advance in appropriations Acts,  
24 funds from licensing royalties received pursuant to this

1 section shall be available to the Commission to carry out  
2 the duties of the Commission.

3 (e) LICENSING RIGHTS.—Unless otherwise provided  
4 by law, all rights of the Commission under subsection (b)  
5 shall transfer to the Administrator of General Services  
6 upon termination of the Commission.

7 **SEC. 10. ANNUAL REPORTS.**

8 (a) IN GENERAL.—In each fiscal year in which the  
9 Commission is in existence, the Commission shall submit  
10 to the President and the Congress a report describing the  
11 Commission’s activities during that fiscal year.

12 (b) CONTENTS.—Each such annual report may in-  
13 clude the following:

14 (1) Recommendations regarding appropriate ac-  
15 tivities to commemorate Memorial Day and the Na-  
16 tional Moment of Remembrance, including—

17 (A) the production, publication, and dis-  
18 tribution of books, pamphlets, films, and other  
19 educational materials;

20 (B) bibliographical and documentary  
21 projects and publications;

22 (C) conferences, convocations, lectures,  
23 seminars, and other similar programs;

1 (D) the development of exhibits for librar-  
2 ies, museums, and other appropriate institu-  
3 tions;

4 (E) ceremonies and celebrations commemo-  
5 rating specific events that relate to the history  
6 of wars of the United States; and

7 (F) competitions, commissions, and awards  
8 regarding historical, scholarly, artistic, literary,  
9 musical, and other works, programs, and  
10 projects related to commemoration of Memorial  
11 Day and the National Moment of Remem-  
12 brance.

13 (2) Recommendations to appropriate agencies  
14 or advisory bodies regarding the issuance by the  
15 United States of commemorative coins, medals, and  
16 stamps relating to Memorial Day and the National  
17 Moment of Remembrance.

18 (3) Recommendations for any legislation or ad-  
19 ministrative action that the Commission determines  
20 to be appropriate regarding the commemoration of  
21 Memorial Day and the National Moment of Remem-  
22 brance.

23 (4) An accounting of funds received and ex-  
24 pended by the Commission in the fiscal year that the  
25 report concerns, including a detailed description of

1 the source and amount of any funds donated to the  
2 Commission in that fiscal year.

3 (5) A description of cooperative agreements and  
4 contract agreements entered into by the Commis-  
5 sion.

6 **SEC. 11. MOMENT OF REMEMBRANCE ALLIANCE.**

7 (a) ESTABLISHMENT.—There is established as an  
8 agency of the Commission the Moment of Remembrance  
9 Alliance.

10 (b) NUMBER AND APPOINTMENT.—The Moment of  
11 Remembrance Alliance shall consist of members appointed  
12 by the Commission from among the following:

- 13 (1) The print, broadcast, or other media.
- 14 (2) The national sports community.
- 15 (3) The recreation industry.
- 16 (4) The entertainment industry.
- 17 (5) The retail industry.
- 18 (6) The food industry.
- 19 (7) The health care industry.
- 20 (8) The transportation industry.
- 21 (9) The education community.
- 22 (10) National veterans organizations.
- 23 (11) Families who have lost loved ones in com-  
24 bat.

1 (c) DUTIES.—The Moment of Remembrance Alliance  
2 shall assist the Commission to carry out this Act, includ-  
3 ing by—

4 (1) planning, organizing, and implementing an  
5 annual White House Conference on the National  
6 Moment of Remembrance and other similar events;

7 (2) promoting the observance of Memorial Day  
8 and the National Moment of Remembrance through  
9 appropriate means, subject to any guidelines devel-  
10 oped by the Commission;

11 (3) establishing necessary and appropriate in-  
12 centives for Federal, State, and local governments  
13 and private sector entities to sponsor and participate  
14 in programs initiated by the Commission or the Mo-  
15 ment of Remembrance Alliance; and

16 (4) evaluating the effectiveness of efforts by the  
17 Commission and the Moment of Remembrance Alli-  
18 ance in carrying out this Act.

19 (d) TERMS OF APPOINTMENT.—The Commission  
20 may fix the term of appointment for members of the Mo-  
21 ment of Remembrance Alliance.

22 (e) HONORARY MEMBERS.—Upon recommendation  
23 of the Moment of Remembrance Alliance, the Commission  
24 may appoint honorary, nonvoting members of the Moment



1 of Remembrance Alliance who are necessary to carrying  
2 out this Act.

3 (f) VACANCIES.—Any vacancy in the membership of  
4 the Moment of Remembrance Alliance shall be filled in  
5 the same manner in which the original appointment was  
6 made.

7 (g) MEETINGS.—The Moment of Remembrance Alli-  
8 ance shall conduct meetings in accordance with procedures  
9 approved by the Commission.

10 (h) PROHIBITION OF COMPENSATION OTHER THAN  
11 TRAVEL EXPENSES.—

12 (1) PROHIBITION OF PAY.—Members of the  
13 Moment of Remembrance Alliance shall receive no  
14 pay for their service on the Moment of Remem-  
15 brance Alliance.

16 (2) TRAVEL EXPENSES.—Members of the Mo-  
17 ment of Remembrance Alliance shall receive reim-  
18 bursement for travel expenses authorized by the Ex-  
19 ecutive Director and White House Liaison, including  
20 per diem in lieu of subsistence, in accordance with  
21 sections 5702 and 5703 of title 5, United States  
22 Code.

23 (i) TERMINATION.—The Moment of Remembrance  
24 Alliance shall terminate at the time of termination of the  
25 Commission.

1 **SEC. 12. AUDIT OF FINANCIAL TRANSACTIONS.**

2 (a) **AUDIT.**—The Comptroller General of the United  
3 States shall audit on an annual basis the financial trans-  
4 actions of the Commission, including financial trans-  
5 actions involving donated funds, in accordance with gen-  
6 erally accepted auditing standards.

7 (b) **ACCESS.**—The Commission shall ensure that the  
8 Comptroller General, in conducting an audit under this  
9 section, has—

10 (1) access to all books, accounts, financial  
11 records, reports, files, and other papers, items, or  
12 property in use by the Commission, as necessary to  
13 facilitate the audit; and

14 (2) full facilities for verifying the financial  
15 transactions of the Commission, including access to  
16 any financial records or securities held for the Com-  
17 mission by depositories, fiscal agents, or custodians.

18 **SEC. 13. TERMINATION.**

19 The Commission shall terminate on the earlier of—

20 (1) a date specified by the President that is at  
21 least 2 years after the date of the enactment of this  
22 Act; or

23 (2) 10 years after the date of the enactment of  
24 this Act.

25 **SEC. 14. DEFINITIONS.**

26 In this Act:

1           (1) COMMISSION.—The term “Commission”  
2 means the White House Commission on the National  
3 Moment of Remembrance.

4           (2) MEMORIAL DAY.—The term “Memorial  
5 Day” means the legal public holiday designated as  
6 Memorial Day in section 6103(a) of title 5, United  
7 States Code.

8           (3) TRIBAL GOVERNMENT.—The term “tribal  
9 government” means the governing body of an Indian  
10 tribe, as defined in section 4(e) of the Indian Self-  
11 Determination and Education Assistance Act (25  
12 U.S.C. 450b(e)).

13 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

14           (a) IN GENERAL.—There are authorized to be appro-  
15 priated to the Commission to carry out this Act (subject  
16 to termination of the Commission under section 13)  
17 \$500,000 for fiscal year 2001, and \$250,000 for each of  
18 fiscal years 2002, 2003, 2004, 2005, 2006, 2007, 2008,  
19 and 2009.

20           (b) AVAILABILITY.—Funds appropriated for use by  
21 the Commission may remain available until expended.

○