

106TH CONGRESS
2D SESSION

S. 3181

To establish the White House Commission on the National Moment of Remembrance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 10 (legislative day, SEPTEMBER 22), 2000

Mr. HAGEL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish the White House Commission on the National Moment of Remembrance, and for other purposes.

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 Congress finds that—

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 individuals who have made

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

3 (2) greater strides must be made to dem-
4 onstrate appreciation for those loyal people of the
5 United States whose values, represented by their
6 sacrifices, are critical to the future of the United
7 States;

8 (3) the Federal Government has a responsibility
9 to raise awareness of and respect for the national
10 heritage, and to encourage citizens to dedicate them-
11 selves to the values and principles for which those
12 heroes of the United States died;

13 (4) the relevance of Memorial Day must be
14 made more apparent to present and future genera-
15 tions of people of the United States through local
16 and national observances and ongoing activities;

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

23 (6) in Presidential Proclamation No. 7315 of
24 May 26, 2000 (65 Fed. Reg. 34907), the President
25 proclaimed Memorial Day, May 29, 2000, as a day

1 of prayer for permanent peace, and designated 3:00
2 p.m. local time on that day as the time to join in
3 prayer and to observe the National Moment of Re-
4 membrance; and

5 (7) a National Moment of Remembrance and
6 other commemorative events are needed to reclaim
7 Memorial Day as the sacred and noble event that
8 that day is intended to be.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) ALLIANCE.—The term “Alliance” means
12 the Remembrance Alliance established by section
13 9(a).

14 (2) COMMISSION.—The term “Commission”
15 means the White House Commission on the National
16 Moment of Remembrance established by section
17 5(a).

18 (3) EXECUTIVE DIRECTOR AND WHITE HOUSE
19 LIAISON.—The term “Executive Director and White
20 House Liaison” means the Executive Director and
21 White House Liaison appointed under section
22 10(a)(1).

23 (4) MEMORIAL DAY.—The term “Memorial
24 Day” means the legal public holiday designated as

1 Memorial Day by section 6103(a) of title 5, United
2 States Code.

3 (5) TRIBAL GOVERNMENT.—The term “tribal
4 government” means the governing body of an Indian
5 tribe (as defined in section 4 of the Indian Self-De-
6 termination and Education Assistance Act (25
7 U.S.C. 450b).

8 **SEC. 4. NATIONAL MOMENT OF REMEMBRANCE.**

9 The minute beginning at 3:00 p.m. (local time) on
10 Memorial Day each year is designated as the “National
11 Moment of Remembrance”.

12 **SEC. 5. ESTABLISHMENT OF WHITE HOUSE COMMISSION**
13 **ON THE NATIONAL MOMENT OF REMEM-**
14 **BRANCE.**

15 (a) ESTABLISHMENT.—There is established a com-
16 mission to be known as the “White House Commission
17 on the National Moment of Remembrance”.

18 (b) MEMBERSHIP.—

19 (1) COMPOSITION.—The Commission shall be
20 composed of the following:

21 (A) 4 members appointed by the President,
22 including at least 1 representative of tribal gov-
23 ernments.

24 (B) The Secretary of Defense (or a des-
25 ignee).

1 (C) The Secretary of Veterans Affairs (or
2 a designee).

3 (D) The Secretary of the Smithsonian In-
4 stitution (or a designee).

5 (E) The Director of the Office of Per-
6 sonnel Management (or a designee).

7 (F) The Administrator of General Services
8 (or a designee).

9 (G) The Secretary of Transportation (or a
10 designee).

11 (H) The Secretary of Education (or a des-
12 igned).

13 (I) The Secretary of the Interior (or a des-
14 igned).

15 (J) The Executive Director of the Presi-
16 dent's Commission on White House Fellows (or
17 a designee).

18 (K) The Secretary of the Army (or a des-
19 igned).

20 (L) The Secretary of the Navy (or a des-
21 igned).

22 (M) The Secretary of the Air Force (or a
23 designee).

24 (N) The Commandant of the Marine Corps
25 (or a designee).

1 (O) The Commandant of the Coast Guard
 2 (or a designee).

3 (P) The Executive Director and White
 4 House Liaison (or a designee).

5 (Q) The Chief of Staff of the Army.

6 (R) The Chief of Naval Operations.

7 (S) The Chief of Staff of the Air Force.

8 (T) Any other member, the appointment of
 9 whom the Commission determines is necessary
 10 to carry out this Act.

11 (2) NONVOTING MEMBERS.—The members ap-
 12 pointed to the Commission under subparagraphs (K)
 13 through (T) of paragraph (1) shall be nonvoting
 14 members.

15 (3) DATE OF APPOINTMENTS.—All appoint-
 16 ments under paragraph (1) shall be made not later
 17 than 90 days after the date of enactment of this
 18 Act.

19 (c) TERM; VACANCIES.—

20 (1) TERM.—A member shall be appointed to
 21 the Commission for the life of the Commission.

22 (2) VACANCIES.—A vacancy on the
 23 Commission—

24 (A) shall not affect the powers of the Com-
 25 mission; and

1 (B) shall be filled in the same manner as
 2 the original appointment was made.

3 (d) INITIAL MEETING.—Not later than 30 days after
 4 the date specified in subsection (b)(3) for completion of
 5 appointments, the Commission shall hold the initial meet-
 6 ing of the Commission.

7 (e) MEETINGS.—The Commission shall meet at the
 8 call of the Chairperson.

9 (f) QUORUM.—A majority of the voting members of
 10 the Commission shall constitute a quorum, but a lesser
 11 number of members may hold hearings.

12 (g) CHAIRPERSON AND VICE CHAIRPERSON.—The
 13 Commission shall select a Chairperson and a Vice Chair-
 14 person from among the members of the Commission at
 15 the initial meeting of the Commission.

16 **SEC. 6. DUTIES.**

17 (a) IN GENERAL.—The Commission shall—

18 (1) encourage the people of the United States
 19 to give something back to their country, which pro-
 20 vides them so much freedom and opportunity;

21 (2) encourage national, State, local, and tribal
 22 participation by individuals and entities in com-
 23 memoration of Memorial Day and the National Mo-
 24 ment of Remembrance, including participation by—

1 (A) national humanitarian and patriotic
2 organizations;

3 (B) elementary, secondary, and higher edu-
4 cation institutions;

5 (C) veterans' societies and civic, patriotic,
6 educational, sporting, artistic, cultural, and his-
7 torical organizations;

8 (D) Federal departments and agencies;
9 and

10 (E) museums, including cultural and his-
11 torical museums; and

12 (3) provide national coordination for commemo-
13 rations in the United States of Memorial Day and
14 the National Moment of Remembrance.

15 (b) REPORTS.—

16 (1) IN GENERAL.—For each fiscal year in
17 which the Commission is in existence, the Commis-
18 sion shall submit to the President and Congress a
19 report describing the activities of the Commission
20 during the fiscal year.

21 (2) CONTENTS.—A report under paragraph (1)
22 may include—

23 (A) recommendations regarding appro-
24 priate activities to commemorate Memorial Day

and the National Moment of Remembrance,
including—

(i) the production, publication, and
distribution of books, pamphlets, films, and
other educational materials;

(ii) bibliographical and documentary
projects and publications;

(iii) conferences, convocations, lec-
tures, seminars, and other similar pro-
grams;

(iv) the development of exhibits for li-
braries, museums, and other appropriate
institutions;

(v) ceremonies and celebrations com-
memorating specific events that relate to
the history of wars of the United States;
and

(vi) competitions, commissions, and
awards regarding historical, scholarly, ar-
tistic, literary, musical, and other works,
programs, and projects related to com-
memoration of Memorial Day and the Na-
tional Moment of Remembrance;

(B) recommendations to appropriate agen-
cies or advisory bodies regarding the issuance

1 by the United States of commemorative coins,
2 medals, and stamps relating to Memorial Day
3 and the National Moment of Remembrance;

4 (C) recommendations for any legislation or
5 administrative action that the Commission de-
6 termines to be appropriate regarding the com-
7 memoration of Memorial Day and the National
8 Moment of Remembrance;

9 (D) an accounting of funds received and
10 expended by the Commission in the fiscal year
11 covered by the report, including a detailed de-
12 scription of the source and amount of any funds
13 donated to the Commission in that fiscal year;
14 and

15 (E) a description of cooperative agree-
16 ments and contracts entered into by the Com-
17 mission.

18 **SEC. 7. POWERS.**

19 (a) HEARINGS.—

20 (1) IN GENERAL.—The Commission may hold
21 such hearings, sit and act at such times and places,
22 take such testimony, and receive such evidence as
23 the Commission considers advisable to carry out this
24 Act.

1 (2) PUBLIC PARTICIPATION.—The Commission
2 shall provide for reasonable public participation in
3 matters before the Commission.

4 (b) INFORMATION FROM FEDERAL AGENCIES.—

5 (1) IN GENERAL.—The Commission may secure
6 directly from a Federal agency such information as
7 the Commission considers necessary to carry out this
8 Act.

9 (2) PROVISION OF INFORMATION.—On request
10 of the Chairperson of the Commission, the head of
11 the agency shall provide the information to the Com-
12 mission.

13 (c) POSTAL SERVICES.—The Commission may use
14 the United States mails in the same manner and under
15 the same conditions as other agencies of the Federal Gov-
16 ernment.

17 (d) GIFTS.—The Commission may solicit, accept, use,
18 and dispose of, without further Act of appropriation, gifts,
19 bequests, devises, and donations of services or property.

20 (e) POWERS OF MEMBERS AND AGENTS.—Any mem-
21 ber or agent of the Commission may, if authorized by the
22 Commission, take any action that the Commission is au-
23 thorized to take under this Act.

24 (f) AUTHORITY TO PROCURE AND TO MAKE LEGAL
25 AGREEMENTS.—

1 (1) IN GENERAL.—Subject to the availability of
2 appropriations, to carry out this Act, the Chair-
3 person or Vice Chairperson of the Commission or
4 the Executive Director and White House Liaison
5 may, on behalf of the Commission—

6 (A) procure supplies, services, and prop-
7 erty; and

8 (B) enter into contracts, leases, and other
9 legal agreements.

10 (2) RESTRICTIONS.—

11 (A) WHO MAY ACT ON BEHALF OF COM-
12 MISSION.—Except as provided in paragraph (1),
13 nothing in this Act authorizes a member of the
14 Commission to procure any item or enter into
15 any agreement described in that paragraph.

16 (B) DURATION OF LEGAL AGREEMENTS.—
17 A contract, lease, or other legal agreement en-
18 tered into by the Commission may not extend
19 beyond the date of termination of the Commis-
20 sion.

21 (3) SUPPLIES AND PROPERTY POSSESSED BY
22 COMMISSION AT TERMINATION.—Any supply, prop-
23 erty, or other asset that is acquired by, and, on the
24 date of termination of the Commission, remains in
25 the possession of, the Commission shall be consid-

1 ered property of the General Services Administra-
2 tion.

3 (g) EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS,
4 SEALS, AND MARKS.—

5 (1) IN GENERAL.—The Commission may devise
6 any logo, emblem, seal, or other designating mark
7 that the Commission determines—

8 (A) to be required to carry out the duties
9 of the Commission; or

10 (B) to be appropriate for use in connection
11 with the commemoration of Memorial Day or
12 the National Moment of Remembrance.

13 (2) LICENSING.—

14 (A) IN GENERAL.—The Commission—

15 (i) shall have the sole and exclusive
16 right to use the name “White House Com-
17 mission on the National Moment of Re-
18 membrance” on any logo, emblem, seal, or
19 descriptive or designating mark that the
20 Commission lawfully adopts; and

21 (ii) shall have the sole and exclusive
22 right to allow or refuse the use by any
23 other entity of the name “White House
24 Commission on the National Monument of

1 Remembrance” on any logo, emblem, seal,
2 or descriptive or designating mark.

3 (B) TRANSFER ON TERMINATION.—Unless
4 otherwise provided by law, all rights of the
5 Commission under subparagraph (A) shall be
6 transferred to the Administrator of General
7 Services on the date of termination of the Com-
8 mission.

9 (3) EFFECT ON OTHER RIGHTS.—Nothing in
10 this subsection affects any right established or vest-
11 ed before the date of enactment of this Act.

12 (4) USE OF FUNDS.—The Commission may,
13 without further Act of appropriation, use funds re-
14 ceived from licensing royalties under this section to
15 carry out this Act.

16 **SEC. 8. COMMISSION PERSONNEL MATTERS.**

17 (a) COMPENSATION OF MEMBERS.—

18 (1) NON-FEDERAL EMPLOYEES.—A member of
19 the Commission who is not an officer or employee of
20 the Federal Government may be compensated at a
21 rate equal to the daily equivalent of the annual rate
22 of basic pay prescribed for level IV of the Executive
23 Schedule under section 5315 of title 5, United
24 States Code, for each day (including travel time)

1 during which the member is engaged in the perform-
2 ance of the duties of the Commission.

3 (2) FEDERAL EMPLOYEES.—A member of the
4 Commission who is an officer or employee of the
5 Federal Government shall serve without compensa-
6 tion in addition to the compensation received for the
7 services of the member as an officer or employee of
8 the Federal Government.

9 (b) TRAVEL EXPENSES.—A member of the Commis-
10 sion may be allowed travel expenses, including per diem
11 in lieu of subsistence, at rates authorized for an employee
12 of an agency under subchapter I of chapter 57 of title
13 5, United States Code, while away from the home or reg-
14 ular place of business of the member in the performance
15 of the duties of the Commission.

16 (c) STAFF.—The Chairperson of the Commission or
17 the Executive Director and White House Liaison may,
18 without regard to the civil service laws (including regula-
19 tions), appoint and terminate such additional personnel as
20 are necessary to enable the Commission to perform the
21 duties of the Commission.

22 (2) COMPENSATION.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), the Chairperson of the Com-
25 mission may fix the compensation of the Execu-

1 tive Director and White House Liaison and
 2 other personnel without regard to the provisions
 3 of chapter 51 and subchapter III of chapter 53
 4 of title 5, United States Code, relating to classi-
 5 fication of positions and General Schedule pay
 6 rates.

7 (B) MAXIMUM RATE OF PAY.—The rate of
 8 pay for the Executive Director and White
 9 House Liaison and other personnel shall not ex-
 10 ceed the rate equal to the daily equivalent of
 11 the annual rate of basic pay prescribed for level
 12 IV of the Executive Schedule under section
 13 5315 of title 5, United States Code, for each
 14 day (including travel time) during which the
 15 member is engaged in the performance of the
 16 duties of the Commission.

17 (d) DETAIL OF FEDERAL GOVERNMENT EMPLOY-
 18 EES.—

19 (1) IN GENERAL.—In addition to the details
 20 under paragraph (2), on request of the Chairperson,
 21 the Vice Chairperson, or the Executive Director and
 22 White House Liaison, an employee of the Federal
 23 Government may be detailed to the Commission
 24 without reimbursement.

25 (2) DETAIL OF SPECIFIC EMPLOYEES.—

1 (A) MILITARY DETAILS.—

2 (i) ARMY; AIR FORCE.—The Secretary
3 of the Army and the Secretary of the Air
4 Force shall each detail a commissioned of-
5 ficer above the grade of captain to assist
6 the Commission in carrying out this Act.

7 (ii) NAVY.—The Secretary of the
8 Navy shall detail a commissioned officer of
9 the Navy above the grade of lieutenant and
10 a commissioned officer of the Marine
11 Corps above the grade of captain to assist
12 the Commission in carrying out this Act.

13 (B) VETERANS AFFAIRS; EDUCATION.—
14 The Secretary of Veterans Affairs and the Sec-
15 retary of Education shall each detail an officer
16 or employee compensated above the level of GS-
17 12 in accordance with subchapter III of chapter
18 53 of title 5, United States Code to assist the
19 Commission in carrying out this Act.

20 (3) CIVIL SERVICE STATUS.—The detail of any
21 officer or employee under this subsection shall be
22 without interruption or loss of civil service status or
23 privilege.

24 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
25 TENT SERVICES.—The Chairperson of the Commission

1 may procure temporary and intermittent services in ac-
 2 cordance with section 3109(b) of title 5, United States
 3 Code, at rates for individuals that do not exceed the daily
 4 equivalent of the annual rate of basic pay prescribed for
 5 level V of the Executive Schedule under section 5316 of
 6 that title.

7 (f) COOPERATIVE AGREEMENTS.—

8 (1) IN GENERAL.—The Commission may enter
 9 into a cooperative agreement with another entity, in-
 10 cluding any Federal agency, State or local govern-
 11 ment, or private entity, under which the entity may
 12 assist the Commission in—

13 (A) carrying out the duties of the Commis-
 14 sion under this Act; and

15 (B) contributing to public awareness of
 16 and interest in Memorial Day and the National
 17 Moment of Remembrance.

18 (2) ADMINISTRATIVE SUPPORT SERVICES.—On
 19 the request of the Commission, the Administrator of
 20 General Services shall provide to the Commission, on
 21 a reimbursable basis, any administrative support
 22 services and any property, equipment, or office space
 23 that the Commission determines to be necessary to
 24 carry out this Act.

1 (g) SUPPORT FROM NONPROFIT SECTOR.—The
 2 Commission may accept program support from nonprofit
 3 organizations.

4 **SEC. 9. REMEMBRANCE ALLIANCE.**

5 (a) ESTABLISHMENT.—There is established the Re-
 6 membrance Alliance.

7 (b) COMPOSITION.—

8 (1) MEMBERS.—The Alliance shall be composed
 9 of individuals, appointed by the Commission, that
 10 are representatives or members of—

11 (A) the print, broadcast, or other media in-
 12 dustry;

13 (B) the national sports community;

14 (C) the recreation industry;

15 (D) the entertainment industry;

16 (E) the retail industry;

17 (F) the food industry;

18 (G) the health care industry;

19 (H) the transportation industry;

20 (I) the education community;

21 (J) national veterans organizations; and

22 (K) families that have lost loved ones in
 23 combat.

1 (2) HONORARY MEMBERS.—On recommenda-
2 tion of the Alliance, the Commission may appoint
3 honorary, nonvoting members to the Alliance.

4 (3) VACANCIES.—Any vacancy in the member-
5 ship of the Alliance shall be filled in the same man-
6 ner in which the original appointment was made.

7 (4) MEETINGS.—The Alliance shall conduct
8 meetings in accordance with procedures approved by
9 the Commission.

10 (c) TERM.—The Commission may fix the term of ap-
11 pointment for members of the Alliance.

12 (d) DUTIES.—The Alliance shall assist the Commis-
13 sion in carrying out this Act by—

14 (1) planning, organizing, and implementing an
15 annual White House Conference on the National
16 Moment of Remembrance and other similar events;

17 (2) promoting the observance of Memorial Day
18 and the National Moment of Remembrance through
19 appropriate means, subject to any guidelines devel-
20 oped by the Commission;

21 (3) establishing necessary incentives for Fed-
22 eral, State, and local governments and private sector
23 entities to sponsor and participate in programs initi-
24 ated by the Commission or the Alliance;

1 (4) evaluating the effectiveness of efforts by the
2 Commission and the Alliance in carrying out this
3 Act; and

4 (5) carrying out such other duties as are as-
5 signed by the Commission.

6 (e) ALLIANCE PERSONNEL MATTERS.—

7 (1) COMPENSATION OF MEMBERS.—A member
8 of the Alliance shall serve without compensation for
9 the services of the member to the Alliance.

10 (2) TRAVEL EXPENSES.—A member of the Alli-
11 ance may be allowed reimbursement for travel ex-
12 penses, including per diem in lieu of subsistence, at
13 rates authorized for an employee of an agency under
14 subchapter I of chapter 57 of title 5, United States
15 Code, while away from the home or regular place of
16 business of the member in the performance of the
17 duties of the Commission.

18 (f) TERMINATION.—The Alliance shall terminate on
19 the date of termination of the Commission.

20 **SEC. 10. EXECUTIVE DIRECTOR AND WHITE HOUSE**
21 **LIAISON.**

22 (a) APPOINTMENT.—

23 (1) IN GENERAL.—The Director of the Com-
24 mittee Management Secretariat Staff of the General

1 Services Administration shall appoint an individual
2 as Executive Director and White House Liaison.

3 (2) INAPPLICABILITY OF CERTAIN CIVIL SERV-
4 ICE LAWS.—The Executive Director and White
5 House Liaison may be appointed without regard to
6 the provisions of title 5, United States Code, gov-
7 erning appointments in the competitive service.

8 (b) DUTIES.—The Executive Director and White
9 House Liaison shall—

10 (1) serve as a liaison between the Commission
11 and the President;

12 (2) serve as chief of staff of the Commission;
13 and

14 (3) coordinate the efforts of the Commission
15 and the President on all matters relating to this Act,
16 including matters relating to the National Moment
17 of Remembrance.

18 (c) COMPENSATION.—The Executive Director and
19 White House Liaison may be compensated at a rate equal
20 to the daily equivalent of the annual rate of basic pay pre-
21 scribed for level IV of the Executive Schedule under sec-
22 tion 5315 of title 5, United States Code, for each day (in-
23 cluding travel time) during which the Executive Director
24 and White House Liaison is engaged in the performance
25 of the duties of the Commission.

1 **SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.**

2 (a) IN GENERAL.—The Comptroller General of the
3 United States shall audit, on an annual basis, the financial
4 transactions 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 ability to verify the financial trans-
15 actions of the Commission, including access to any
16 financial records or securities held for the Commis-
17 sion by depositories, fiscal agents, or custodians.

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

19 There are authorized to be appropriated to carry out
20 this Act, to remain available until expended—

21 (1) \$500,000 for fiscal year 2001; and

22 (2) \$250,000 for each of fiscal years 2002
23 through 2009.

24 **SEC. 13. TERMINATION.**

25 The Commission shall terminate on the earlier of—

- 1 (1) a date specified by the President that is at
2 least 2 years after the date of enactment of this Act;
3 or
4 (2) the date that is 10 years after the date of
5 enactment of this Act.

