

106TH CONGRESS
2^D SESSION

S. 3181

AN ACT

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) it is essential to remember and renew the
4 legacy of Memorial Day, which was established in
5 1868 to pay tribute to individuals who have made
6 the ultimate sacrifice in service to the United States
7 and their families;

8 (2) greater strides must be made to dem-
9 onstrate appreciation for those loyal people of the
10 United States whose values, represented by their
11 sacrifices, are critical to the future of the United
12 States;

13 (3) the Federal Government has a responsibility
14 to raise awareness of and respect for the national
15 heritage, and to encourage citizens to dedicate them-
16 selves to the values and principles for which those
17 heroes of the United States died;

18 (4) the relevance of Memorial Day must be
19 made more apparent to present and future genera-
20 tions of people of the United States through local
21 and national observances and ongoing activities;

22 (5) in House Concurrent Resolution 302,
23 agreed to May 25, 2000, Congress called on the peo-
24 ple of the United States, in a symbolic act of unity,
25 to observe a National Moment of Remembrance to

1 honor the men and women of the United States who
2 died in the pursuit of freedom and peace;

3 (6) in Presidential Proclamation No. 7315 of
4 May 26, 2000 (65 Fed. Reg. 34907), the President
5 proclaimed Memorial Day, May 29, 2000, as a day
6 of prayer for permanent peace, and designated 3:00
7 p.m. local time on that day as the time to join in
8 prayer and to observe the National Moment of Re-
9 membrance; and

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

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) **ALLIANCE.**—The term “Alliance” means
17 the Remembrance Alliance established by section
18 9(a).

19 (2) **COMMISSION.**—The term “Commission”
20 means the White House Commission on the National
21 Moment of Remembrance established by section
22 5(a).

23 (3) **EXECUTIVE DIRECTOR AND WHITE HOUSE**
24 **LIAISON.**—The term “Executive Director and White
25 House Liaison” means the Executive Director and

1 White House Liaison appointed under section
2 10(a)(1).

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

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

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

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

16 **SEC. 5. ESTABLISHMENT OF WHITE HOUSE COMMISSION**
17 **ON THE NATIONAL MOMENT OF REMEM-**
18 **BRANCE.**

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

22 (b) MEMBERSHIP.—

23 (1) COMPOSITION.—The Commission shall be
24 composed of the following:

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

4 (B) The Secretary of Defense (or a des-
5 ignee).

6 (C) The Secretary of Veterans Affairs (or
7 a designee).

8 (D) The Secretary of the Smithsonian In-
9 stitution (or a designee).

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

12 (F) The Administrator of General Services
13 (or a designee).

14 (G) The Secretary of Transportation (or a
15 designee).

16 (H) The Secretary of Education (or a des-
17 ignee).

18 (I) The Secretary of the Interior (or a des-
19 ignee).

20 (J) The Executive Director of the Presi-
21 dent's Commission on White House Fellows (or
22 a designee).

23 (K) The Secretary of the Army (or a des-
24 ignee).

1 (L) The Secretary of the Navy (or a des-
2 ignee).

3 (M) The Secretary of the Air Force (or a
4 designee).

5 (N) The Commandant of the Marine Corps
6 (or a designee).

7 (O) The Commandant of the Coast Guard
8 (or a designee).

9 (P) The Executive Director and White
10 House Liaison (or a designee).

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

12 (R) The Chief of Naval Operations.

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

14 (T) Any other member, the appointment of
15 whom the Commission determines is necessary
16 to carry out this Act.

17 (2) NONVOTING MEMBERS.—The members ap-
18 pointed to the Commission under subparagraphs (K)
19 through (T) of paragraph (1) shall be nonvoting
20 members.

21 (3) DATE OF APPOINTMENTS.—All appoint-
22 ments under paragraph (1) shall be made not later
23 than 90 days after the date of enactment of this
24 Act.

25 (c) TERM; VACANCIES.—

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

3 (2) VACANCIES.—A vacancy on the
4 Commission—

5 (A) shall not affect the powers of the Com-
6 mission; and

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

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

13 (e) MEETINGS.—The Commission shall meet at the
14 call of the Chairperson.

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

18 (g) CHAIRPERSON AND VICE CHAIRPERSON.—The
19 Commission shall select a Chairperson and a Vice Chair-
20 person from among the members of the Commission at
21 the initial meeting of the Commission.

22 **SEC. 6. DUTIES.**

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

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

4 (2) encourage national, State, local, and tribal
5 participation by individuals and entities in com-
6 memoration of Memorial Day and the National Mo-
7 ment of Remembrance, including participation by—

8 (A) national humanitarian and patriotic
9 organizations;

10 (B) elementary, secondary, and higher edu-
11 cation institutions;

12 (C) veterans' societies and civic, patriotic,
13 educational, sporting, artistic, cultural, and his-
14 torical organizations;

15 (D) Federal departments and agencies;

16 and

17 (E) museums, including cultural and his-
18 torical museums; and

19 (3) provide national coordination for commemo-
20 rations in the United States of Memorial Day and
21 the National Moment of Remembrance.

22 (b) REPORTS.—

23 (1) IN GENERAL.—For each fiscal year in
24 which the Commission is in existence, the Commis-
25 sion shall submit to the President and Congress a

1 report describing the activities of the Commission
2 during the fiscal year.

3 (2) CONTENTS.—A report under paragraph (1)
4 may include—

5 (A) recommendations regarding appro-
6 priate activities to commemorate Memorial Day
7 and the National Moment of Remembrance,
8 including—

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

12 (ii) bibliographical and documentary
13 projects and publications;

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

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

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

24 (vi) competitions, commissions, and
25 awards regarding historical, scholarly, ar-

1 tistic, literary, musical, and other works,
2 programs, and projects related to com-
3 memoration of Memorial Day and the Na-
4 tional Moment of Remembrance;

5 (B) recommendations to appropriate agen-
6 cies or advisory bodies regarding the issuance
7 by the United States of commemorative coins,
8 medals, and stamps relating to Memorial Day
9 and the National Moment of Remembrance;

10 (C) recommendations for any legislation or
11 administrative action that the Commission de-
12 termines to be appropriate regarding the com-
13 memoration of Memorial Day and the National
14 Moment of Remembrance;

15 (D) an accounting of funds received and
16 expended by the Commission in the fiscal year
17 covered by the report, including a detailed de-
18 scription of the source and amount of any funds
19 donated to the Commission in that fiscal year;
20 and

21 (E) a description of cooperative agree-
22 ments and contracts entered into by the Com-
23 mission.

24 **SEC. 7. POWERS.**

25 (a) HEARINGS.—

1 (1) IN GENERAL.—The Commission may hold
2 such hearings, sit and act at such times and places,
3 take such testimony, and receive such evidence as
4 the Commission considers advisable to carry out this
5 Act.

6 (2) PUBLIC PARTICIPATION.—The Commission
7 shall provide for reasonable public participation in
8 matters before the Commission.

9 (b) INFORMATION FROM FEDERAL AGENCIES.—

10 (1) IN GENERAL.—The Commission may secure
11 directly from a Federal agency such information as
12 the Commission considers necessary to carry out this
13 Act.

14 (2) PROVISION OF INFORMATION.—On request
15 of the Chairperson of the Commission, the head of
16 the agency shall provide the information to the Com-
17 mission.

18 (c) POSTAL SERVICES.—The Commission may use
19 the United States mails in the same manner and under
20 the same conditions as other agencies of the Federal Gov-
21 ernment.

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

1 (e) 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 under this Act.

5 (f) AUTHORITY TO PROCURE AND TO MAKE LEGAL
6 AGREEMENTS.—

7 (1) IN GENERAL.—Subject to the availability of
8 appropriations, to carry out this Act, the Chair-
9 person or Vice Chairperson of the Commission or
10 the Executive Director and White House Liaison
11 may, on behalf of the Commission—

12 (A) procure supplies, services, and prop-
13 erty; and

14 (B) enter into contracts, leases, and other
15 legal agreements.

16 (2) RESTRICTIONS.—

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

22 (B) DURATION OF LEGAL AGREEMENTS.—
23 A contract, lease, or other legal agreement en-
24 tered into by the Commission may not extend

1 beyond the date of termination of the Commis-
2 sion.

3 (3) SUPPLIES AND PROPERTY POSSESSED BY
4 COMMISSION AT TERMINATION.—Any supply, prop-
5 erty, or other asset that is acquired by, and, on the
6 date of termination of the Commission, remains in
7 the possession of, the Commission shall be consid-
8 ered property of the General Services Administra-
9 tion.

10 (g) EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS,
11 SEALS, AND MARKS.—

12 (1) IN GENERAL.—The Commission may devise
13 any logo, emblem, seal, or other designating mark
14 that the Commission determines—

15 (A) to be required to carry out the duties
16 of the Commission; or

17 (B) to be appropriate for use in connection
18 with the commemoration of Memorial Day or
19 the National Moment of Remembrance.

20 (2) LICENSING.—

21 (A) IN GENERAL.—The Commission—

22 (i) shall have the sole and exclusive
23 right to use the name “White House Com-
24 mission on the National Moment of Re-
25 membrance” on any logo, emblem, seal, or

1 descriptive or designating mark that the
2 Commission lawfully adopts; and

3 (ii) shall have the sole and exclusive
4 right to allow or refuse the use by any
5 other entity of the name “White House
6 Commission on the National Monument of
7 Remembrance” on any logo, emblem, seal,
8 or descriptive or designating mark.

9 (B) TRANSFER ON TERMINATION.—Unless
10 otherwise provided by law, all rights of the
11 Commission under subparagraph (A) shall be
12 transferred to the Administrator of General
13 Services on the date of termination of the Com-
14 mission.

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

18 (4) USE OF FUNDS.—The Commission may,
19 without further Act of appropriation, use funds re-
20 ceived from licensing royalties under this section to
21 carry out this Act.

22 **SEC. 8. COMMISSION PERSONNEL MATTERS.**

23 (a) COMPENSATION OF MEMBERS.—

24 (1) NON-FEDERAL EMPLOYEES.—A member of
25 the Commission who is not an officer or employee of

1 the Federal Government may be compensated at a
2 rate equal to the daily equivalent of the annual rate
3 of basic pay prescribed for level IV of the Executive
4 Schedule under section 5315 of title 5, United
5 States Code, for each day (including travel time)
6 during which the member is engaged in the perform-
7 ance of the duties of the Commission.

8 (2) FEDERAL EMPLOYEES.—A member of the
9 Commission who is an officer or employee of the
10 Federal Government shall serve without compensa-
11 tion in addition to the compensation received for the
12 services of the member as an officer or employee of
13 the Federal Government.

14 (b) TRAVEL EXPENSES.—A member of the Commis-
15 sion may be allowed travel expenses, including per diem
16 in lieu of subsistence, at rates authorized for an employee
17 of an agency under subchapter I of chapter 57 of title
18 5, United States Code, while away from the home or reg-
19 ular place of business of the member in the performance
20 of the duties of the Commission.

21 (c) STAFF.—The Chairperson of the Commission or
22 the Executive Director and White House Liaison may,
23 without regard to the civil service laws (including regula-
24 tions), appoint and terminate such additional personnel as

1 are necessary to enable the Commission to perform the
2 duties of the Commission.

3 (2) COMPENSATION.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), the Chairperson of the Com-
6 mission may fix the compensation of the Execu-
7 tive Director and White House Liaison and
8 other personnel without regard to the provisions
9 of chapter 51 and subchapter III of chapter 53
10 of title 5, United States Code, relating to classi-
11 fication of positions and General Schedule pay
12 rates.

13 (B) MAXIMUM RATE OF PAY.—The rate of
14 pay for the Executive Director and White
15 House Liaison and other personnel shall not ex-
16 ceed the rate equal to the daily equivalent of
17 the annual rate of basic pay prescribed for level
18 IV of the Executive Schedule under section
19 5315 of title 5, United States Code, for each
20 day (including travel time) during which the
21 member is engaged in the performance of the
22 duties of the Commission.

23 (d) DETAIL OF FEDERAL GOVERNMENT EMPLOY-
24 EES.—

1 (1) IN GENERAL.—In addition to the details
2 under paragraph (2), on request of the Chairperson,
3 the Vice Chairperson, or the Executive Director and
4 White House Liaison, an employee of the Federal
5 Government may be detailed to the Commission
6 without reimbursement.

7 (2) DETAIL OF SPECIFIC EMPLOYEES.—

8 (A) MILITARY DETAILS.—

9 (i) ARMY; AIR FORCE.—The Secretary
10 of the Army and the Secretary of the Air
11 Force shall each detail a commissioned of-
12 ficer above the grade of captain to assist
13 the Commission in carrying out this Act.

14 (ii) NAVY.—The Secretary of the
15 Navy shall detail a commissioned officer of
16 the Navy above the grade of lieutenant and
17 a commissioned officer of the Marine
18 Corps above the grade of captain to assist
19 the Commission in carrying out this Act.

20 (B) VETERANS AFFAIRS; EDUCATION.—

21 The Secretary of Veterans Affairs and the Sec-
22 retary of Education shall each detail an officer
23 or employee compensated above the level of GS-
24 12 in accordance with subchapter III of chapter

1 53 of title 5, United States Code to assist the
2 Commission in carrying out this Act.

3 (3) CIVIL SERVICE STATUS.—The detail of any
4 officer or employee under this subsection shall be
5 without interruption or loss of civil service status or
6 privilege.

7 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
8 TENT SERVICES.—The Chairperson of the Commission
9 may procure temporary and intermittent services in ac-
10 cordance with section 3109(b) of title 5, United States
11 Code, at rates for individuals that do not exceed the daily
12 equivalent of the annual rate of basic pay prescribed for
13 level V of the Executive Schedule under section 5316 of
14 that title.

15 (f) COOPERATIVE AGREEMENTS.—

16 (1) IN GENERAL.—The Commission may enter
17 into a cooperative agreement with another entity, in-
18 cluding any Federal agency, State or local govern-
19 ment, or private entity, under which the entity may
20 assist the Commission in—

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

23 (B) contributing to public awareness of
24 and interest in Memorial Day and the National
25 Moment of Remembrance.

1 (2) ADMINISTRATIVE SUPPORT SERVICES.—On
2 the request of the Commission, the Administrator of
3 General Services shall provide to the Commission, on
4 a reimbursable basis, any administrative support
5 services and any property, equipment, or office space
6 that the Commission determines to be necessary to
7 carry out this Act.

8 (g) SUPPORT FROM NONPROFIT SECTOR.—The
9 Commission may accept program support from nonprofit
10 organizations.

11 **SEC. 9. REMEMBRANCE ALLIANCE.**

12 (a) ESTABLISHMENT.—There is established the Re-
13 membrance Alliance.

14 (b) COMPOSITION.—

15 (1) MEMBERS.—The Alliance shall be composed
16 of individuals, appointed by the Commission, that
17 are representatives or members of—

18 (A) the print, broadcast, or other media in-
19 dustry;

20 (B) the national sports community;

21 (C) the recreation industry;

22 (D) the entertainment industry;

23 (E) the retail industry;

24 (F) the food industry;

25 (G) the health care industry;

1 (H) the transportation industry;
2 (I) the education community;
3 (J) national veterans organizations; and
4 (K) families that have lost loved ones in
5 combat.

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

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

12 (4) MEETINGS.—The Alliance shall conduct
13 meetings in accordance with procedures approved by
14 the Commission.

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

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

19 (1) planning, organizing, and implementing an
20 annual White House Conference on the National
21 Moment of Remembrance and other similar events;

22 (2) promoting the observance of Memorial Day
23 and the National Moment of Remembrance through
24 appropriate means, subject to any guidelines devel-
25 oped by the Commission;

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

5 (4) evaluating the effectiveness of efforts by the
6 Commission and the Alliance in carrying out this
7 Act; and

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

10 (e) ALLIANCE PERSONNEL MATTERS.—

11 (1) COMPENSATION OF MEMBERS.—A member
12 of the Alliance shall serve without compensation for
13 the services of the member to the Alliance.

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

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

1 **SEC. 10. EXECUTIVE DIRECTOR AND WHITE HOUSE LIAI-**
2 **SON.**

3 (a) APPOINTMENT.—

4 (1) IN GENERAL.—The Director of the Com-
5 mittee Management Secretariat Staff of the General
6 Services Administration shall appoint an individual
7 as Executive Director and White House Liaison.

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

13 (b) DUTIES.—The Executive Director and White
14 House Liaison shall—

15 (1) serve as a liaison between the Commission
16 and the President;

17 (2) serve as chief of staff of the Commission;
18 and

19 (3) coordinate the efforts of the Commission
20 and the President on all matters relating to this Act,
21 including matters relating to the National Moment
22 of Remembrance.

23 (c) COMPENSATION.—The Executive Director and
24 White House Liaison may be compensated at a rate equal
25 to the daily equivalent of the annual rate of basic pay pre-
26 scribed for level IV of the Executive Schedule under sec-

1 tion 5315 of title 5, United States Code, for each day (in-
2 cluding travel time) during which the Executive Director
3 and White House Liaison is engaged in the performance
4 of the duties of the Commission.

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

6 (a) IN GENERAL.—The Comptroller General of the
7 United States shall audit, on an annual basis, the financial
8 transactions of the Commission (including financial trans-
9 actions involving donated funds) in accordance with gen-
10 erally accepted auditing standards.

11 (b) ACCESS.—The Commission shall ensure that the
12 Comptroller General, in conducting an audit under this
13 section, has—

14 (1) access to all books, accounts, financial
15 records, reports, files, and other papers, items, or
16 property in use by the Commission, as necessary to
17 facilitate the audit; and

18 (2) full ability to verify the financial trans-
19 actions of the Commission, including access to any
20 financial records or securities held for the Commis-
21 sion by depositories, fiscal agents, or custodians.

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

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

25 (1) \$500,000 for fiscal year 2001; and

1 (2) \$250,000 for each of fiscal years 2002
2 through 2009.

3 **SEC. 13. TERMINATION.**

4 The Commission shall terminate on the earlier of—

5 (1) a date specified by the President that is at
6 least 2 years after the date of enactment of this Act;
7 or

8 (2) the date that is 10 years after the date of
9 enactment of this Act.

 Passed the Senate October 27 (legislative day, Sep-
tember 22), 2000.

Attest:

Secretary.

106TH CONGRESS
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