

PUBLIC LAW 106-579—DEC. 28, 2000

NATIONAL MOMENT OF REMEMBRANCE ACT

Public Law 106-579
106th Congress

An Act

Dec. 28, 2000

[S. 3181]

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

National Moment
of Remembrance
Act.
36 USC 116 note.

36 USC 116 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds that—

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

(2) greater strides must be made to demonstrate appreciation for those loyal people of the United States whose values, represented by their sacrifices, are critical to the future of the United States;

(3) the Federal Government has a responsibility to raise awareness of and respect for the national heritage, and to encourage citizens to dedicate themselves to the values and principles for which those heroes of the United States died;

(4) the relevance of Memorial Day must be made more apparent to present and future generations of people of the United States through local and national observances and ongoing activities;

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

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

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

SEC. 3. DEFINITIONS.

36 USC 116 note.

In this Act:

- (1) ALLIANCE.—The term “Alliance” means the Remembrance Alliance established by section 9(a).
- (2) COMMISSION.—The term “Commission” means the White House Commission on the National Moment of Remembrance established by section 5(a).
- (3) EXECUTIVE DIRECTOR AND WHITE HOUSE LIAISON.—The term “Executive Director and White House Liaison” means the Executive Director and White House Liaison appointed under section 10(a)(1).
- (4) MEMORIAL DAY.—The term “Memorial Day” means the legal public holiday designated as Memorial Day by section 6103(a) of title 5, United States Code.
- (5) TRIBAL GOVERNMENT.—The term “tribal government” means the governing body of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 4. NATIONAL MOMENT OF REMEMBRANCE.

36 USC 116 note.

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

SEC. 5. ESTABLISHMENT OF WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE.

36 USC 116 note.

- (a) ESTABLISHMENT.—There is established a commission to be known as the “White House Commission on the National Moment of Remembrance”.
- (b) MEMBERSHIP.—
 - (1) COMPOSITION.—The Commission shall be composed of the following:
 - (A) 4 members appointed by the President, including at least 1 representative of tribal governments.
 - (B) The Secretary of Defense (or a designee).
 - (C) The Secretary of Veterans Affairs (or a designee).
 - (D) The Secretary of the Smithsonian Institution (or a designee).
 - (E) The Director of the Office of Personnel Management (or a designee).
 - (F) The Administrator of General Services (or a designee).
 - (G) The Secretary of Transportation (or a designee).
 - (H) The Secretary of Education (or a designee).
 - (I) The Secretary of the Interior (or a designee).
 - (J) The Executive Director of the President’s Commission on White House Fellows (or a designee).
 - (K) The Secretary of the Army (or a designee).
 - (L) The Secretary of the Navy (or a designee).
 - (M) The Secretary of the Air Force (or a designee).
 - (N) The Commandant of the Marine Corps (or a designee).
 - (O) The Commandant of the Coast Guard (or a designee).
 - (P) The Executive Director and White House Liaison (or a designee).
 - (Q) The Chief of Staff of the Army.

Deadline.

- (R) The Chief of Naval Operations.
- (S) The Chief of Staff of the Air Force.
- (T) Any other member, the appointment of whom the Commission determines is necessary to carry out this Act.
- (2) NONVOTING MEMBERS.—The members appointed to the Commission under subparagraphs (K) through (T) of paragraph (1) shall be nonvoting members.
- (3) DATE OF APPOINTMENTS.—All appointments under paragraph (1) shall be made not later than 90 days after the date of enactment of this Act.
- (c) TERM; VACANCIES.—
 - (1) TERM.—A member shall be appointed to the Commission for the life of the Commission.
 - (2) VACANCIES.—A vacancy on the Commission—
 - (A) shall not affect the powers of the Commission; and
 - (B) shall be filled in the same manner as the original appointment was made.
- (d) INITIAL MEETING.—Not later than 30 days after the date specified in subsection (b)(3) for completion of appointments, the Commission shall hold the initial meeting of the Commission.
- (e) MEETINGS.—The Commission shall meet at the call of the Chairperson.
- (f) QUORUM.—A majority of the voting members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.
- (g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and a Vice Chairperson from among the members of the Commission at the initial meeting of the Commission.

36 USC 116 note.

SEC. 6. DUTIES.

- (a) IN GENERAL.—The Commission shall—
 - (1) encourage the people of the United States to give something back to their country, which provides them so much freedom and opportunity;
 - (2) encourage national, State, local, and tribal participation by individuals and entities in commemoration of Memorial Day and the National Moment of Remembrance, including participation by—
 - (A) national humanitarian and patriotic organizations;
 - (B) elementary, secondary, and higher education institutions;
 - (C) veterans' societies and civic, patriotic, educational, sporting, artistic, cultural, and historical organizations;
 - (D) Federal departments and agencies; and
 - (E) museums, including cultural and historical museums; and
 - (3) provide national coordination for commemorations in the United States of Memorial Day and the National Moment of Remembrance.
- (b) REPORTS.—
 - (1) IN GENERAL.—For each fiscal year in which the Commission is in existence, the Commission shall submit to the President and Congress a report describing the activities of the Commission during the fiscal year.

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

- (A) recommendations regarding appropriate 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, lectures, seminars, and other similar programs;
 - (iv) the development of exhibits for libraries, museums, and other appropriate institutions;
 - (v) ceremonies and celebrations commemorating specific events that relate to the history of wars of the United States; and
 - (vi) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to commemoration of Memorial Day and the National Moment of Remembrance;
- (B) recommendations to appropriate agencies or advisory bodies regarding the issuance by the United States of commemorative coins, medals, and stamps relating to Memorial Day and the National Moment of Remembrance;
- (C) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of Memorial Day and the National Moment of Remembrance;
- (D) an accounting of funds received and expended by the Commission in the fiscal year covered by the report, including a detailed description of the source and amount of any funds donated to the Commission in that fiscal year; and
- (E) a description of cooperative agreements and contracts entered into by the Commission.

SEC. 7. POWERS.

36 USC 116 note.

(a) HEARINGS.—

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

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

(b) INFORMATION FROM FEDERAL AGENCIES.—

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

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

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

(e) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

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

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

(A) procure supplies, services, and property; and
(B) enter into contracts, leases, and other legal agreements.

(2) RESTRICTIONS.—

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

(B) DURATION OF LEGAL AGREEMENTS.—A contract, lease, or other legal agreement entered into by the Commission may not extend beyond the date of termination of the Commission.

(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supply, property, or other asset that is acquired by, and, on the date of termination of the Commission, remains in the possession of, the Commission shall be considered property of the General Services Administration.

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

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

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

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

(2) LICENSING.—

(A) IN GENERAL.—The Commission—

(i) shall have the sole and exclusive right to use the name “White House Commission on the National Moment of Remembrance” on any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts; and

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

(B) TRANSFER ON TERMINATION.—Unless otherwise provided by law, all rights of the Commission under subparagraph (A) shall be transferred to the Administrator of General Services on the date of termination of the Commission.

(3) EFFECT ON OTHER RIGHTS.—Nothing in this subsection affects any right established or vested before the date of enactment of this Act.

(4) USE OF FUNDS.—The Commission may, without further Act of appropriation, use funds received from licensing royalties under this section to carry out this Act.

SEC. 8. COMMISSION PERSONNEL MATTERS.

36 USC 116 note.

(a) COMPENSATION OF MEMBERS.—

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

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission or the Executive Director and White House Liaison may, without regard to the civil service laws (including regulations), appoint and terminate such additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the Executive Director and White House Liaison and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

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

(d) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

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

(2) DETAIL OF SPECIFIC EMPLOYEES.—

(A) MILITARY DETAILS.—

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

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

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

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

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Commission may enter into a cooperative agreement with another entity, including any Federal agency, State or local government, or private entity, under which the entity may assist the Commission in—

(A) carrying out the duties of the Commission under this Act; and

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

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

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

36 USC 116 note.

SEC. 9. REMEMBRANCE ALLIANCE.

(a) ESTABLISHMENT.—There is established the Remembrance Alliance.

(b) COMPOSITION.—

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

- (A) the print, broadcast, or other media industry;
- (B) the national sports community;
- (C) the recreation industry;
- (D) the entertainment industry;

- (E) the retail industry;
- (F) the food industry;
- (G) the health care industry;
- (H) the transportation industry;
- (I) the education community;
- (J) national veterans organizations; and
- (K) families that have lost loved ones in combat.

(2) **HONORARY MEMBERS.**—On recommendation of the Alliance, the Commission may appoint honorary, nonvoting members to the Alliance.

(3) **VACANCIES.**—Any vacancy in the membership of the Alliance shall be filled in the same manner in which the original appointment was made.

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

(c) **TERM.**—The Commission may fix the term of appointment for members of the Alliance.

(d) **DUTIES.**—The Alliance shall assist the Commission in carrying out this Act by—

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

(2) promoting the observance of Memorial Day and the National Moment of Remembrance through appropriate means, subject to any guidelines developed by the Commission;

(3) establishing necessary incentives for Federal, State, and local governments and private sector entities to sponsor and participate in programs initiated by the Commission or the Alliance;

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

(5) carrying out such other duties as are assigned by the Commission.

(e) **ALLIANCE PERSONNEL MATTERS.**—

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

(2) **TRAVEL EXPENSES.**—A member of the Alliance may be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

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

SEC. 10. EXECUTIVE DIRECTOR AND WHITE HOUSE LIAISON.

36 USC 116 note.

(a) **APPOINTMENT.**—

(1) **IN GENERAL.**—The Director of the Committee Management Secretariat Staff of the General Services Administration shall appoint an individual as Executive Director and White House Liaison.

(2) **INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—The Executive Director and White House Liaison may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

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

- (1) serve as a liaison between the Commission and the President;
- (2) serve as chief of staff of the Commission; and
- (3) coordinate the efforts of the Commission and the President on all matters relating to this Act, including matters relating to the National Moment of Remembrance.

(c) COMPENSATION.—The Executive Director and White House Liaison may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the Executive Director and White House Liaison is engaged in the performance of the duties of the Commission.

36 USC 116 note.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall audit, on an annual basis, the financial transactions of the Commission (including financial transactions involving donated funds) in accordance with generally accepted auditing standards.

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

- (1) access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit; and
- (2) full ability to verify the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

36 USC 116 note.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

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

- (1) \$500,000 for fiscal year 2001; and
- (2) \$250,000 for each of fiscal years 2002 through 2009.

SEC. 13. TERMINATION.

36 USC 116 note.

The Commission shall terminate on the earlier of—

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

Approved December 28, 2000.

LEGISLATIVE HISTORY—S. 3181:

CONGRESSIONAL RECORD, Vol. 146 (2000):
Oct. 27, considered and passed Senate.
Dec. 15, considered and passed House.

