

Public Law 99-549
99th Congress**An Act**

To amend the Act establishing a Commission on the Bicentennial of the Constitution of the United States to clarify the status of employees of the Commission, to raise the limits on private contributions, and for other purposes.

Oct. 27, 1986

[H.R. 3559]

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

SECTION 1. OFFICIAL SEAL.

The first section of the Act entitled "An Act to provide for the establishment of a Commission on the Bicentennial of the Constitution", enacted September 29, 1983 (Public Law 98-101; 97 Stat. 719), hereinafter in this Act referred to as "Public Law 98-101", is amended by adding at the end thereof the following: "The Commission shall have an official seal, which shall be judicially noticed."

SEC. 2. COMMEMORATIONS BY STATE AND LOCAL GOVERNMENTS.

Section 3 of Public Law 98-101 is amended—

97 Stat. 719.

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following:

"(b) It is not the purpose of this Act to preempt any unit of State or local government from celebrating the bicentennial of the Constitution, and nothing in this Act shall prevent any such unit from establishing its own logo, symbol, or mark in connection therewith."

SEC. 3. AMENDMENTS RELATING TO CERTAIN ADMINISTRATIVE PROVISIONS AND POWERS.

Section 5 of Public Law 98-101 is amended—

97 Stat. 720.

(1) in subsection (h)(2)(A), by striking out "\$25,000" and inserting in lieu thereof "\$250,000";

(2) in subsection (h)(2)(B), by striking out "\$100,000" and inserting in lieu thereof "\$1,000,000"; and

(3) by adding at the end thereof the following:

"(k) The Commission may transfer funds received by it to another Federal department or agency if the Commission determines that the use of such funds by such department or agency would promote the commemoration of the bicentennial of the Constitution. This subsection is effective only to the extent and in such amounts as are provided in advance in appropriation Acts.

"(l) The Commission may issue rules and regulations to carry out the purposes of this Act."

Regulations.

SEC. 4. BICENTENNIAL LOGO.

(a) **IN GENERAL.**—Section 5(j) of Public Law 98-101 is amended to read as follows:

"(j)(1) For the purpose of this Act, the term 'Bicentennial logo' means the symbol or mark designated by the Commission for use in connection with the commemoration of the bicentennial of the Constitution.

Regulations.

"(2) The Commission may, in accordance with rules and regulations which the Commission shall prescribe, authorize the manufacture, reproduction, use, sale, or distribution of the Bicentennial logo. Such rules and regulations shall provide, among other things, that all projects, goods, and services as to which use of the logo is authorized shall be educational or commemorative, and shall relate to the bicentennial of the United States Constitution, the establishment of the Federal Government, or the Bill of Rights, and none of such projects, goods or services shall exploit the United States Constitution or the Bill of Rights. The purpose of the Commission in authorizing use of the logo shall not be primarily or exclusively to raise funds.

Regulations.

"(3) Rules and regulations referred to in paragraph (2) shall include provisions under which—

"(A) fees may be charged for any authorization under this subsection (including circumstances under which any such fee may be waived);

"(B) any authorization granted under this subsection shall not be subject to reassignment or transfer without approval by the Commission; and

"(C) any authorization granted under this subsection may be revoked or otherwise terminated.

Law enforcement and crime.

"(4)(A) Whoever, except as authorized under this subsection, manufactures, reproduces, uses, sells, or distributes the Bicentennial logo—

"(i) shall be fined not more than \$250 or imprisoned not more than 6 months, or both; and

"(ii) shall be subject to a civil penalty in an amount equal to the amount of the fee which would have been payable by that person under paragraph (3)(A).

"(B) Section 701 of title 18, United States Code, shall not apply with respect to the Bicentennial logo.

"(5) Amounts charged under paragraph (3)(A) shall be available to the Commission.

Federal Register, publication. Regulations.

"(6) Notice of designation under paragraph (1) shall be published in the Federal Register."

97 Stat. 720.

(b) SAVINGS PROVISIONS.—(1) All rules and regulations issued by the Commission on the Bicentennial of the United States Constitution in connection with section 5(j) of Public Law 98-101 (as in effect before the enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed by such Commission.

(2) No suit, action, or other proceeding lawfully commenced before the amendment made by subsection (a) becomes effective shall abate by reason of the enactment of this Act. Determinations with respect to any such suit, action, or other proceeding shall be made as if this Act had not been enacted.

SEC. 5. AMENDMENTS RELATING TO PERSONNEL.

Section 5 of Public Law 98-101 is amended—

(1) in subsection (b)—

(A) by striking out "(b) The" and inserting in lieu thereof "(b)(1) The";

(B) by striking out "compensation, without" and all that follows thereafter through "rates," and inserting in lieu thereof "compensation"; and

(C) by adding at the end thereof the following: "The Chairman or the staff director or both may, if so authorized by the Commission, take any action which the Commission is authorized to take under the preceding provisions of this paragraph.";

(2) in subsection (c)—

(A) by striking out "(c) Subject to the provisions of this subsection, the" and inserting in lieu thereof "(2) The"; and

(B) by striking out the last sentence and inserting in lieu thereof the following: "The Chairman or the staff director or both may, if so authorized by the Commission, take any action which the Commission is authorized to take under the preceding provisions of this paragraph.";

(3) by inserting before subsection (d) the following:

"(c) Appointments and compensation under subsection (b) (1) or (2) of this section may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates."; and

5 USC 5101.

5 USC 5331.

5 USC 5332.

(4) in subsection (e)—

(A) by striking out paragraph (2); and

(B) by redesignating subsection (e)(1) as subsection (e).

SEC. 6. AGENCY COOPERATION.

Section 6(c) of Public Law 98-101 is amended by adding at the end thereof the following: "All such governmental agencies and organizations shall cooperate with the Commission, to the extent allowed by law, in providing advice and assistance requested by the Commission."

97 Stat. 721.

SEC. 7. TWO-YEAR EXTENSION.

Section 7 of Public Law 98-101 is amended by striking out "1989" and inserting in lieu thereof "1991".

97 Stat. 722.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS FOR TWO ADDITIONAL YEARS.

Section 8 of Public Law 98-101 is amended by striking out "1989" and inserting in lieu thereof "1991".

97 Stat. 723.

SEC. 9. TECHNICAL AMENDMENTS.

5 USC 8341 note.

(a) AMENDMENTS.—(1) Subsections (a)(4)(B), (a)(5)(B)(iii), and (f) of section 4 of Public Law 98-615 (98 Stat. 3204), as amended by section 201 of Public Law 99-251 (100 Stat. 20), are each amended by striking out "Federal Employees Benefits Improvement Act of 1985" and inserting in lieu thereof "Federal Employees Benefits Improvement Act of 1986".

Ante, p. 14.

(2) Section 4(a)(5)(A) of Public Law 98-615, as so amended, is amended—

(A) by striking out "Paragraphs (2)," and inserting in lieu thereof "Paragraphs"; and

(B) by adding at the end thereof the following: "The paragraphs referred to in the preceding sentence shall so apply only insofar as they relate to an election to provide a survivor annuity for a former spouse.".

(b) **EFFECTIVE DATE.**—The amendments made by this section shall be effective as of May 7, 1985.

Approved October 27, 1986.

LEGISLATIVE HISTORY—H.R. 3559 (S. 1779):

HOUSE REPORTS: No. 99-530, Pt. 1 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 132 (1986):

June 24, considered and passed House.

Oct. 3, S. 1779 considered in Senate; H.R. 3559 considered and passed Senate, amended, in lieu of S. 1779.

Oct. 6, proceedings of Oct. 3 vitiated; H.R. 3559 considered and passed Senate, amended.

Oct. 10, House concurred in Senate amendment.