

An hourglass-shaped graphic with a globe in the top bulb and another globe in the bottom bulb. The hourglass is light blue and has a dark blue top and bottom. The globe in the top bulb is dark blue, and the globe in the bottom bulb is light blue. The text is centered within the hourglass.

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Report 98-662

COMMEMORATIVE LEGISLATION: EVOLUTION AND PROCEDURES

Stephen W. Stathis, Government and Finance Division

Updated August 9, 1999

Abstract. This report provides an overview of the evolution of commemorative legislation. It also summarizes the various laws, rules, and procedures Congress has adopted in establishing criteria for the consideration and enactment of commemorative legislation.

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Commemorative Legislation: Evolution and Procedures

Updated August 9, 1999

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ABSTRACT

This report provides a brief overview of the evolution of commemorative legislation. It also summarizes the various laws, rules, and procedures Congress has adopted in establishing criteria for the consideration and enactment of commemorative legislation. The report will be updated as warranted, whenever the laws, rules, or procedures governing commemorative legislation are modified.

Commemorative Legislation: Evolution and Procedures

Summary

Since its inception, Congress has used commemorative legislation to express public gratitude for distinguished contributions; dramatize the virtues of individuals, groups, and causes; and perpetuate the remembrance of significant events. During the past two centuries, commemoratives have become an integral part of the American political tradition. They have been used to authorize the minting of commemorative coins and Congressional Gold Medals; fund monuments and memorials; create federal holidays; establish commissions to celebrate important anniversaries; and name public works, scholarships, endowments, fellowships, and historic sites.

Prior to the 96th Congress (1979-1980), the volume of commemorative legislation never exceeded 10% of public bills signed into law. During the next 16 years (96th-103rd Congresses), however, commemoratives constituted an average of 30.75 % of all public laws signed by the President. By far the most common of these congressional expressions (73%) were requests for the President to issue a special proclamation designating a particular day, week, month, or year for commemoration. This dramatic increase caused concern among both Members of Congress and other observers, particularly the media. It was asserted that the time spent in consideration of commemoratives hindered the ability of Congress to deal with more pressing legislative issues.

At the outset of the 104th Congress, the House adopted a rule change which banned legislation that commemorated "any remembrance, celebration, or recognition for any purpose through the designation of a special period of time." This change, together with the passage of more restrictive laws, rules, and procedures governing the enactment of several other types of commemoratives, has substantially reduced the time Congress spends considering and adopting such measures.

This report summarizes the evolution of commemorative legislation as well as the laws, rules, and procedures that have been adopted to control the number of commemoratives enacted. It will be updated, as warranted, whenever the laws, rules, or procedures governing commemorative legislation are modified.

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Commemorative Legislation: Evolution and Procedures

At the opening of the 104th Congress on January 4, 1995, the newly elected Republican majority in the House of Representatives adopted several new rules which formally signaled a time of change on Capitol Hill. Among these procedural and institutional modifications was a banning of legislation that commemorated “any remembrance, celebration, or recognition for any purpose through the designation of a special period of time.”¹ Simple resolutions designating special days, weeks, months, and years for commemoration continue to be passed by the Senate, but they only express the sentiments of that body.

The House’s action in banning commemorative observances did not affect passage of other types of commemorative legislation, such as the naming of public buildings, structures, and other sites; awarding Congressional Gold Medals; authorizing the issuance of commemorative coins; creating national monuments and memorials; and commissioning statuary and busts. During the past several years, through various laws and committee rules, Congress has established criteria for the consideration as well as enactment of various types of commemoratives. This report summarizes those procedures, and provides a brief overview of the evolution of commemorative legislation.

Evolution of Commemorative Legislation

Since its inception, Congress has used commemorative legislation to express public gratitude for distinguished contributions; dramatize the virtues of individuals, groups, and causes; and perpetuate the remembrance of significant events. The first commemoratives were primarily in the form of individually struck medals. During the 19th century, Congress gradually broadened the scope of commemoratives by recommending special days for national observance; funding monuments and memorials; creating federal holidays; authorizing the minting of commemorative coins; and establishing commissions to celebrate important anniversaries. In the 20th century, it has become increasingly commonplace for Congress to use commemorative legislation to name buildings, dams, and other public works, scholarships, endowments, fellowships, and historic sites.

Prior to 1900, commemorative legislation rarely accounted for more than 1% of the total public laws enacted by a particular Congress, and never exceed 5% until the 85th Congress (1957-1958). During the next two decades (1959-1978), the ratio

¹ “Ban on Commemoratives,” *Congressional Record*, daily edition, vol. 141, Jan. 4, 1995, pp. H29-H30.

ranged from 5% to a little less than 10% of all legislation. Then a dramatic change took place: in the 96th Congress (1979-1980) commemorative legislation increased by 70%. The following Congress, commemoratives rose by nearly 50%. By the 98th Congress (1983-1984), they constituted more than one-third of all bills signed into law by the President. By far the most common of these congressional expressions (nearly 80%) were requests for the President to issue a special proclamation designating a particular day, week, month, or year for commemoration.²

Growth of Commemorative Proclamations

Commemorative observances continued to be the most popular type of commemorative legislation for another decade (1985-1994), accounting for an average of 27.6% of the public laws signed by the President. Other types of commemorative bills made up another 9% of public enactments for the period. For those ten years, 36.6% of all public laws enacted were commemorative in nature (see Table 4 for statistical summary of commemorative laws enacted in the 20th century).

A significant decline in the percentage of commemorative observances in the 102nd and 103rd Congresses did little to deter those opposed to such legislation. By that time, Representatives of both political parties had become convinced that Congress should not devote even a small portion of its attention to such legislation when other matters, in their opinion, were far more important and pressing.³ At the same time, the media poked fun, with increasing frequency, at what it perceived to be the misplaced priorities of the commemorative process.⁴

² Commemorative proclamations can be issued by Presidents without any action by Congress, and have been regularly throughout American history. Since 1789, when President George Washington issued the first proclamation declaring November 26 of that year a National Day of Thanksgiving, there have been hundreds of such designations. On more than 1,300 occasions, however, Congress initiated such actions by passing a joint resolution requesting the President to make such a designation. Although most commemorative observances approved by Congress are only applicable for a single year or single Congress, more than 40 perpetual observance resolutions that call for the President to issue annual proclamations automatically have been approved since 1914. See Table 3 for a list of perpetual commemoratives.

³ A 1990 House survey found that an overwhelming majority of respondents felt Congress's time would be better spent on matters having a "higher priority." U.S. Congress, House Committee on Post Office and Civil Service, Subcommittee on Census and Population, *Advisory Commission on National Commemorative Events*, hearings on H.R. 539 and H.R. 746, 101st Cong., 2nd sess., Feb. 6, 1990 (Washington: GPO, 1990), pp. 7-8, 11-14. At a House hearing a few weeks later, various Members characterized the commemorative process as not credible, "annoying," "frustrating," "embarrassing," "unfair," "too costly," and a poor use of "time and resources." Others, however, cautioned against creating an independent commemorative advisory body that would, "in effect, remove an important constituency function." *Ibid.*, pp. 2-3, 7, 17-18, 98.

⁴ "ABC World News Tonight," Feb. 29, 1988 (transcript), pp. 2-3; Stephen Green, "Catering to Every Cause," *Washington Times*, March 1, 1989, p. F4; and Jason B. Johnson, "Congress Plagued by Special Days," *Los Angeles Times*, March 10, 1990, p. A21.

Earlier Reform Efforts

Presidential Commission Idea. During the mid-1960s, several proposals were introduced to shift the responsibility of designating commemorative celebrations to a presidential commission. Twice the commission idea was embraced by the House but was never acted upon by the Senate.⁵

Proposed Rule Changes. Others sought to reform the process by prohibiting consideration of special observances or by creating a “commemorative calendar” to control their floor consideration. House committee guidelines aimed at limiting commemoratives were formally published for the first time in 1976 when the Post Office and Civil Service Committee assumed jurisdiction over commemorative celebrations. Similar procedures were adopted by the Senate Judiciary Committee a decade later. Observances, however, continued to be passed in near record numbers.

Effect of the House Ban

During the 102nd-103rd Congresses, which immediately preceded the House ban, 147 and 81 commemorative observances, respectively, were approved. The ban has also influenced Senate consideration of commemorative observances. Since adoption of the ban, Senate action on commemorative observances has declined significantly: it approved just 28 observances in the 104th Congress, and has thus far approved only 41 observances in the 105th Congress. Of the Senate resolutions adopted in the 104th-105th Congresses, 80% included a request for a presidential proclamation, while 20% proclaimed specific days or weeks for commemoration independent of any presidential action. The President on his own initiative issued 96 commemorative proclamations in 1995-1996, and 90 in 1997-1998.

Table 1. Commemorative Observances Approved by the Senate, 104th-105th Congresses, and Proclaimed by the President, 1995-1998

Senate Action	104th Cong.	105th Cong.
Senate Resolutions Designating a Special Day, Week, or Month and Requesting Presidential Proclamation	25	33
Senate Resolutions Just Proclaiming a Special Day, etc.	3	8
Observances Approved by Senate	28	41
Presidential Action	1995-1996	1997-1998
Observances Proclaimed Without Senate Action	96	90

⁵ “Commission on National Observances and Holidays,” *Congressional Record*, vol. 112, Oct. 3, 1966, p. 24828; and “Commission on National Observances and Holidays,” *Congressional Record*, vol. 113, March 20, 1967, pp. 7258-7263. The idea was revived in 1983 (98th Congress), and reintroduced in each of the five succeeding Congresses (99th-104th Congresses), but in each instance the proposals were never reported out of committee.

Commemorative Acts, 104th-105th Congresses

Since 1995, the type of commemorative resolutions most frequently enacted into law have been overwhelmingly those naming a federal building, structure, or other facility. A distant second have been enactments calling for the minting of commemorative coins and Congressional Gold Medals.

Table 2. Commemorative Acts, 104th-105th Congresses

Type of Commemorative	104 th Cong.	105 th Cong.
Naming a Building/ Structure/Other Facility	33	29
Creating or Expanding Historic Sites		11
Commissioning Commemorative Coins/ Congressional Gold Medals	4	8
Establishing or Expanding a Memorial		7
Awarding a Medal of Honor		2
Creating a Commemorative Commission		2
Granting Honorary Citizenship	1	
Amendments to Title 36 of the <i>United States Code</i> (Patriotic Societies and Observances)		2
Establishing a Memorial Fund		1
Conferring Status as an Honorary Veteran		1
Renaming a Wildlife Refuge/Wilderness Area	1	1
Commending Operation Sail	1	
50 th Anniversary of Founding of Modern State of Israel		1
Total	40	65

Current Commemorative Procedures

The current criteria for consideration and enactment of commemorative legislation are derived from committee practice, committee rules, and law. The accompanying guidelines cover the five most common types of commemoratives approved during the past two Congresses: (1) Senate resolutions calling for the commemoration of special days, weeks, months, or years; (2) legislation naming federal buildings; (3) legislation authorizing the minting of commemorative coins; (4) legislation authorizing the President to award a gold medal on behalf of Congress; and (5) legislation calling for the construction, expansion, or renovation of a monument or memorial in the District of Columbia.

Commemorative Observances

Senate resolutions designating special days, weeks, months, or years are generally referred to the Judiciary Committee. The Senate Judiciary Committee

currently considers commemorative legislation only in the months of February, June, and October. Written reports are not filed regarding this type of legislation. Each commemorative measure must have at least 50 cosponsors; at least 20 must be Republicans and 20 Democrats. The sponsor of the measure is not included in this number. The Judiciary Committee prohibits the commemoration of:

- a commercial enterprise, industry, or specific product, or a fraternal, political, business, labor, or sectarian organization;
- a particular state or any political subdivision of a state, city, town, county, school, or institution of higher learning; or
- a living person.

Proposals for recurring annual commemorations are prohibited by the Senate Judiciary Committee. The committee will provide for an annual commemoration, in each of two years, however, if: (1) such proposal is introduced during the first session of a Congress; (2) it is substantially similar to an earlier bill that was passed in each of the four years immediately preceding the first year of the proposed commemoration; or (3) the commemoration period proposed would occur before the commencement of the next Congress. A request for a waiver of these requirements may not be considered unless two-thirds of the Senate indicates a desire to do so.⁶

Naming Federal Buildings

U.S. Post Offices. When considering legislation calling for a United States Post Office to be named after a particular individual, the House Subcommittee on Postal Service of the Committee on Government Reform requires that the bill be cosponsored by all the Representatives from the State in which the facility is located. The Senate Committee on Governmental Affairs has no such requirement.⁷

Other Federal Buildings. By law, the Administrator of General Services is "authorized, notwithstanding any other provision of law, to name, rename, or otherwise designate any building under the custody and control of the General Services Administration."⁸ Both the current Administrator, as well as his immediate predecessors, however, have always deferred to Congress in such matters. Rule 7(d) of the Senate Committee on Environment and Public Works prohibits naming "a building, structure or facility for any living person except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the Supreme Court over 70 years of age."⁹

A 1995 memorandum prepared by the staff of the House Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline

⁶ U.S. Congress, Senate Committee on the Judiciary, *Committee Policy for the Consideration of Commemorative Measures: 106th Congress* (unpublished).

⁷ See: <http://www.house.gov/reform/postal/105agend.htm>.

⁸ P.L. 85-542, 72 Stat. 399, 40 U.S.C. 298d.

⁹ "Rules of the Committee on Environment and Public Works," remarks in the Senate, *Congressional Record*, vol. 145, Jan. 20, 1999, p. S809.

Transportation of the Committee on Transportation and Infrastructure identified seven criteria for the subcommittee to consider in naming a public building: (1) the building must be under the control of the General Services Administration (GSA) or the Architect of the Capitol (leased buildings are normally not named unless the building is under a lease purchase authority); (2) the building must not currently be named for an individual; (3) subcommittee consideration does not occur unless the Member in whose district the building is located sponsors the legislation or otherwise consents to the naming; (4) age requirements are not applicable; (5) priority is not given to any particular class or occupation of individuals; (6) the subcommittee generally does not name buildings for sitting Members of Congress; and (7) the person for whom the building is named must have a "good reputation."¹⁰

Commemorative Coins

The guidelines for consideration of legislation authorizing commemorative coins, most of which have been established in the 1990s, were developed in response to a perceived need to limit the number of commemorative coin programs authorized annually, and to ensure the financial integrity of the program.

Advisory Coin Committee. In 1992, Congress created a seven-member Citizens Commemorative Coin Advisory Committee (CCCAC) "to advise the Secretary of the Treasury and Congress on the selection of subjects and designs for commemorative coins." The CCCAC was specifically charged with:

- designating "annually the events, persons, or places that the Advisory Committee recommends should be commemorated by the issuance of commemorative coins in each of 5 calendar years succeeding the year in which such designation is made";
- making "recommendations with respect to the minting level for any commemorative coin recommended"; and
- submitting "a report to Congress containing a description of events, persons, or places which the Committee recommends be commemorated by coin, the minting level recommended for any such commemorative coin, and the committee's reasons for such recommendations."¹¹

Criteria for Selection of Commemorative Coin Themes. In its *First Annual Report to Congress* in November 1994, the CCCAC concluded that, "given the current state of the commemorative market," the committee's "first priority must be to restrain the proliferation of commemorative coin programs," while at the same time developing a program that reflects the "noblest values and achievements of the

¹⁰ U.S. Congress, House Committee on Transportation and Infrastructure, Subcommittee on Public Buildings and Economic Development, *The Naming of Public Buildings* (internal committee memorandum dated July 16, 1995). The subcommittee, which was renamed the Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation at the start of the 106th Congress, still adheres to these guidelines.

¹¹ Public Law 102-390, Sec. 229, Oct. 6, 1992 (106 Stat. 1632).

nation.”¹² After soliciting comments from the general and numismatic press, and a public forum at the 1994 annual convention of the American Numismatic Association, the committee established the following criteria for selection of commemorative themes for United States coins to achieve these goals:

- Historical persons, places, events, and themes to be commemorated should have had an enduring effect on the nation’s history and culture. Their significance should be of national or international scope.¹³
- Events to be commemorated should have national or international significance and draw participation from across America or around the world.
- No living person should be honored by commemoration on U.S. coins.
- United States commemorative coins should be issued in the appropriate year of commemoration.
- Historical events should generally be considered for commemoration on important or significant anniversaries.
- Commemorative themes and designs should not be considered if one treating the same subject has been issued in the past ten years.
- Commemorative coinage designs should reflect traditional American coin iconography as well as contemporary developments in the arts.
- Designs should be determined in consultation with sponsoring organizations, but should not be determined by legislation.
- Commemorative coinage should not be required to contain logos and emblems of non-government organizations as part of the design.
- Coins should be dated in the year of their issuance.
- Legislation authorizing the production of coins should be enacted no less than nine months prior to the date on which the coins may first be available to the public.¹⁴

1993 Sense of the Congress Resolution. Fourteen months after Congress created the Citizens Commemorative Coin Advisory Committee, it declared in a

¹² Citizens Commemorative Coin Advisory Committee, *First Annual Report to Congress*, Nov. 1994, pp. 1,4.

¹³ The following themes were considered inappropriate for commemoration: (1) state or regional anniversaries with little or no national significance; (2) local institutions such as governments, universities, and public and private schools; (3) commercial enterprises and products; and (4) organizations, individuals, and themes principally sectarian in nature. *Ibid.*, p. 7.

¹⁴ *Ibid.*, pp. 7-8.

“Sense of Congress Resolution” that the Senate and House Banking Committees “should not report or otherwise clear for consideration ... more than two commemorative coin programs for any year, unless the committee determines, on the basis of a recommendation by the Citizens Commemorative Coin Advisory Committee, that extraordinary merit exists for an additional commemorative coin program.” It was in the “interests of all Members of Congress,” the resolution found, “that a policy be established to control the flow of commemorative coin legislation” which had “increased at a pace beyond that which the numismatic community can reasonably be expected to absorb.”¹⁵

Surcharge Recipients Required to Submit Quarterly Reports, 1993. Also in 1993, Congress enacted legislation requiring each recipient of surcharges “derived from the sale of commemorative coins under any Act of Congress” to submit “quarterly financial reports to the Director of the Mint and Comptroller General of the United States describing in detail the expenditures made by such person from the proceeds of the surcharge.”¹⁶

1996 Statutory Restrictions. Additional clarifications were made in the commemorative coin program in 1996. These adjustments:

- placed restrictions on the number of new commemorative coin programs (two each calendar year beginning January 1, 1999) and annual mintage levels of such programs;
- required that all surcharges from numismatic operations be deposited in the Numismatic Public Enterprise Fund;
- stipulated conditions for payment of surcharges to recipient organizations;
- mandated an annual audit of recipient organizations; and
- prohibited proceeds of any surcharge from being used to influence coin legislation.¹⁷

¹⁵ P.L. 103-186, Title III, Sec. 301, Dec. 14, 1993 (107 Stat. 2251).

¹⁶ *Ibid.*, Sec. 302. The surcharge is a fee that Congress, by law, adds to the price of a commemorative coin for distribution to a specific endowment fund or organization. These entities are then allowed to use the revenues raised through the surcharges to promote or commemorate notable individuals from the past, service and heroism, historical events, national monuments and memorials, and American ideals. By law, the Mint’s numismatic coin programs must be self-supporting. Any profit made after all costs associated with producing, marketing, and distributing coins have been paid, and surcharges distributed, are deposited in the Treasury’s general fund to reduce the national debt.

¹⁷ P.L. 104-208, 110 Stat. 3009-349-3009-351. Surcharge payments are not made until: (1) all operation and program costs have been recovered, and (2) the designated organization has submitted an audited financial statement that demonstrates it has raised funds from private sources that are “equal to or greater than the maximum amount the organization may receive from the proceeds” of the surcharge. *Ibid.*, 110 Stat. 3009-350, Sec. 529(f)(1)(B).

Committee Rules/Practice. Rule VII(c)(vii) of the House Committee on Banking and Financial Services prohibits its Subcommittee on Domestic and International Monetary Policy from: (1) scheduling a hearing on commemorative coin legislation unless it is “cosponsored by at least two-thirds of the Members of the House and has been recommended by the U.S. Mint's Citizens Commemorative Coin Advisory Committee,” or (2) reporting a “bill or measure authorizing commemorative coins which does not conform with the minting regulations under 31 U.S.C. 5112.”

The Senate Banking, Housing, and Urban Affairs Committee requires that a commemorative coin bill or resolution have at least 67 Senators as cosponsors before the Committee will consider it.¹⁸

Outside Advice Sought by Committees. When considering commemorative coin legislation, both the House and Senate banking committees often seek advice from several different sources, but it is not required. Among the groups normally contacted are the Citizens Commemorative Coin Advisory Committee, the American Numismatic Association, editors of numismatic publications, the head of the Smithsonian Institution’s numismatic division, renowned metallic sculptors, and numismatic artists (previous winners of design competitions).

Congressional Gold Medals

Rule VII (c)(vii) of the House Committee on Banking and Financial Services requires that Congressional Gold Medal legislation be cosponsored by at least two-thirds (290) of the Members of the House. The rule also requires the Subcommittee on Domestic and International Policy to apply the following standards in considering legislation authorizing Congressional Gold Medals:

- The recipient shall be a natural person.
- The recipient shall have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient’s field long after the achievement.
- The recipient shall not have received a medal previously for the same or substantially the same achievement.
- The recipient shall be living, or, if deceased, shall have been deceased for not less than five years and not more than 25 years.
- The achievements were performed in the recipient’s field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed by

¹⁸ “Adoption of the Rules of Procedure of the Committee on Banking, Housing, and Urban Affairs,” remarks in the Senate, *Congressional Record*, vol. 145, Feb. 6, 1999, p. S1334.

others in the same field, as evidenced by the recipient having received the highest honors in the field.¹⁹

The Senate Banking, Housing, and Urban Affairs Committee requires that at least 67 Senators must cosponsor any Congressional Gold Medal or commemorative coin bill or resolution before the Committee will consider it.²⁰

Monuments and Memorials

Standards for Commemorative Works. The standards for consideration and placement of monuments and memorials in areas administered by the National Park Service and the General Services Administration in the District of Columbia and its environs are established by the Commemorative Works Act of 1986, as amended. The act provides that no “commemorative work may be established in the District of Columbia unless specifically authorized by Congress.”²¹

The Secretary of the Interior or Administrator of the General Services Administration (GSA) may, after consultation with the National Capital Memorial Commission,²² approve the location of a commemorative work in Area I (depicted in Figure 1) if he or she finds the subject of the commemorative work is of preeminent historical and lasting significance to the nation. After making such a determination, the Secretary or Administrator must notify Congress of his or her determination. The location of a commemorative work in Area I shall be deemed disapproved unless it has been approved by law within 150 days.

Commemorative works of subjects of lasting historical significance which may be located in Area II (depicted in Figure 1) are subject to the following conditions.

¹⁹ “Rules of the Committee on Banking and Financial Services for the 106th Congress,” remarks in the House, *Congressional Record*, vol. 145, Feb. 3, 1999, p. H407.

²⁰ “Adoption of the Rules of Procedure of the Committee on Banking, Housing, and Urban Affairs,” p. S1334. For additional information on Congressional Gold Medals see: CRS report RL30076, *Congressional Gold Medals 1776-1999*.

²¹ 40 U.S.C. 1001-1010. “The District of Columbia and its environs means those lands and properties administered by the National Park Service and the General Services Administration located in Areas I and II as depicted on the map numbered 869/86501, dated May 1, 1986.” Sec. 1002(e). Specific conditions relating to the location of commemorative works in Area I and Area II are set forth in Section 1006(a-b).

²² Members of the National Capital Memorial Commission include: the director, National Park Service (chairman); Architect of the Capitol; chairman, American Battle Monuments Commission; chairman, Commission on Fine Arts; chairman, National Capital Planning Commission; mayor, District of Columbia; commissioner, Public Building Service, General Services Administration; and Secretary, Department of Defense. 40 U.S.C. 1004(a).

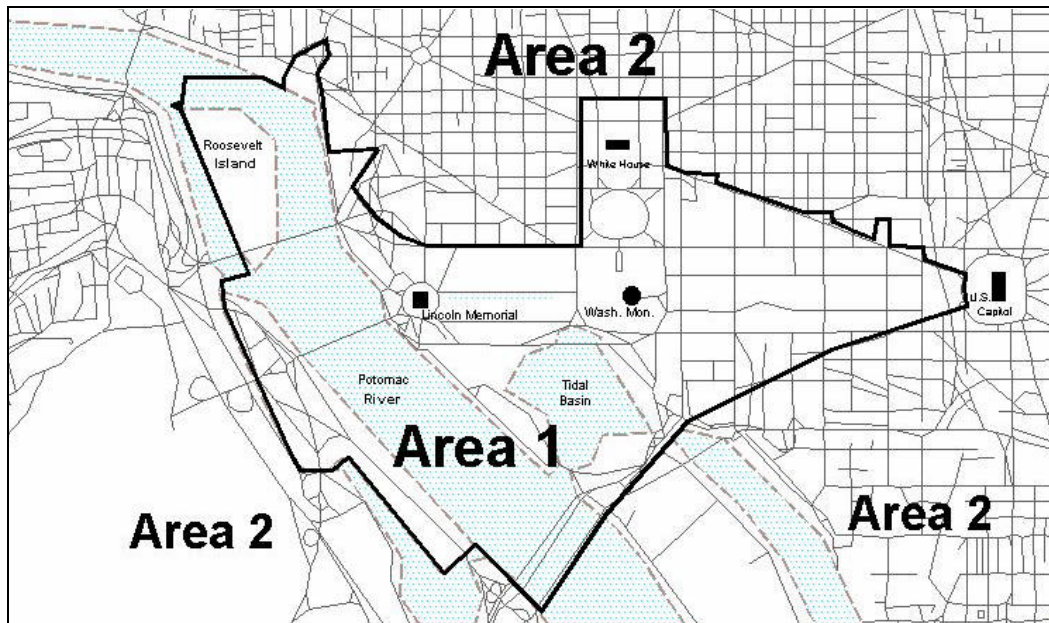


Figure 1. Monument or Memorial Siting: Areas 1 and 2

Military works must commemorate a war, a similar major military conflict, or branch of the Armed Forces.²³ Nonmilitary works commemorating an event, individual, or group of individuals may not be authorized until after the 25th anniversary of the event, death of the individual, or death of the last surviving member of the group.²⁴

In considering such legislation, both the House Committee on Resources and the Senate Committee on Energy and Natural Resources²⁵ must solicit the views of the National Capital Memorial Commission. The Secretary of the Interior or the Administrator of GSA likewise must seek the advice of the commission prior to recommending a location for a commemorative work.²⁶

Congressional Hearings. Generally, either one or both of the committees will hold hearings on the proposal, inviting testimony from representatives of the Commission on Fine Arts, National Capital Planning Commission, National Park Service, and the organization seeking approval for the monument or memorial.

²³ “No commemorative work commemorating a lesser conflict or unit of an Armed Force will be authorized. Commemorative works to a war or similar military conflict will not be authorized until at least 10 years after the officially designated end of the event.” *Ibid.*, Sec. 1003(b).

²⁴ *Ibid.*, Sec. 1002(c).

²⁵ Prior to the 104th Congress, the committees of jurisdiction were the House Committee on House Administration and the Senate Committee on Energy and Natural Resources. At the outset of the 104th Congress, House jurisdiction was transferred to the Committee on Resources. “Rules of the House (Changes in Committee System),” *Congressional Record*, vol. 141, Jan. 4, 1995, p. H27. Most House commemorative works bills are now referred to this committee.

²⁶ 40 U.S.C. 1004(b).

Important considerations will include historical importance of the commemorative work, estimated cost, and how private funds needed for construction are to be raised.

Steps to Be Completed Before Construction May Begin. Once an individual or group has been authorized by law to establish a commemorative work in the District of Columbia and its environs, the following steps must be completed before a construction permit may be issued:

- The applicant must consult with the National Capital Memorial Commission regarding site selection and possible designs.
- Following this consultation, the Secretary of the Interior or Administrator of GSA must submit, on behalf of the applicant, site and design proposals to the Commission on Fine Arts and the National Capital Planning Commission for their approval.²⁷
- The Secretary of the Interior or Administrator of GSA must determine that: (1) site and design have been approved by the National Capital Planning Commission and the Commission on Fine Arts; (2) knowledgeable persons qualified in the field of preservation and maintenance have been consulted to assure the work meets high professional standards; and (3) the person authorized to construct the commemorative work has submitted contract documents to the Secretary or Administrator and has available sufficient funds to complete construction.²⁸
- The person authorized to construct the commemorative work must donate an amount equal to 10% of the total estimated cost of construction to offset the costs of total maintenance and preservation of the commemorative work.²⁹

Conclusion

Commemorative legislation enacted by Congress is an integral part of the American political tradition. This category of enactments has included recommendations for presidential proclamations, commemorative observances, Congressional Gold Medals and commemorative coins, monuments and memorials, and the naming of federal buildings and other structures. Between 1979 and 1994, the volume of these measures grew to such an extent that many congressional observers claimed they hindered the ability of Congress to deal with more pressing legislative issues. Rules adopted at the beginning of the 104th Congress redressed the balance, substantially reducing the time used to consider and adopt such measures, while preserving many of the elements of this enduring tradition.

²⁷ *Ibid.*, Sec. 1007(a).

²⁸ *Ibid.*, Sec. 1008(b).

²⁹ This subsection is not applicable in “instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 percent of the funding for such work is provided by private sources.” *Ibid.*

Table 3. Perpetual Commemorative Observances

U.S. Code Citation	Commemorative Observance	Date Enacted
36 USC 142	Mother's Day (second Sunday in May)	May 8, 1914
36 USC 142a	Father's Day (third Sunday in June)	April 24, 1972
36 USC 142b	National Grandparents Day (first Sunday of September after Labor Day)	Sept. 6, 1979
36 USC 142c	Parents' Day (fourth Sunday of July)	Oct. 14, 1994
36 USC 143	Child Health Day (first Monday in October)	May 18, 1928 Sept. 22, 1959
36 USC 145	National Maritime Day (May 22)	May 20, 1933
36 USC 146	Columbus Day (second Monday in October)	April 30, 1934
36 USC 148	Gold Star Mother's Day (last Sunday in September)	June 23, 1936
36 USC 149	Commemoration of Thomas Jefferson's Birth (April 13)	Aug. 16, 1937
36 USC 150	Cancer Control Month (April)	March 28, 1938
36 USC 151	National Aviation Day (August 19)	May 11, 1939
36 USC 151a	Pan American Aviation Day (December 17)	Oct. 10, 1940
36 USC 153	Citizenship Day (September 17)	Feb. 29, 1952
36 USC 155	National Disability Employment Awareness Month (October)	Aug. 11, 1945 Oct. 8, 1970 Nov. 7, 1988
36 USC 156	National Freedom Day (February 1)	June 30, 1948
36 USC 157	Flag Day (June 14)	Aug. 3, 1949
36 USC 157a	National Flag Week (week in which June 14 occurs)	June 9, 1966
36 USC 157b	Honor America Days (21 days from Flag Day through Independence Day)	June 13, 1975
36 USC 158	Stephen Foster Memorial Day (January 13)	Oct. 27, 1951
36 USC 159	Constitution Week (September 17-23)	Aug. 2, 1956
36 USC 160	National Defense Transportation Day (third Friday in May)	May 16, 1957
36 USC 161	National Safe Boating Week (seven day period ending on the last Friday before Memorial Day)	June 4, 1958 Oct. 3, 1980 Dec. 20, 1993
36 USC 162	Loyalty Day (May 1)	July 18, 1958

U.S. Code Citation	Commemorative Observance	Date Enacted
36 USC 163	National Forest Products Week (week beginning on third Sunday in October)	Sept. 13, 1960
36 USC 164	Law Day, U.S.A. (May 1)	April 7, 1961
36 USC 165	National Poison Prevention Week (third week of March)	Sept. 26, 1961
36 USC 166	National Transportation Week (week in May in which the third Friday falls)	May 14, 1962
36 USC 167	Peace Officers Memorial Day (May 15)	Oct. 1, 1962 Sept. 13, 1994
36 USC 168	National School Lunch Week (week beginning on second Sunday of October)	Oct. 9, 1962
36 USC 169	Wright Brothers Day (December 17)	Dec. 17, 1963
36 USC 169a	Save Your Vision Week (first week of March)	Dec. 30, 1963
36 USC 169b	American Heart Month (February)	Dec. 30, 1963
36 USC 169c	Leif Erikson Day (October 9)	Sept. 2, 1964
36 USC 169d	White Cane Safety Day (October 15)	Oct. 6, 1964
36 USC 169e	Steelmark Month (May)	Nov. 2, 1966
36 USC 169f	National Hispanic Heritage Month (September 15-October 15)	Sept. 17, 1968 Aug. 17, 1988
36 USC 169g	Memorial Day as Day of Prayer for Permanent Peace (May 30, Memorial Day)	May 11, 1950
36 USC 169h	National Day of Prayer (first Thursday in May)	April 17, 1952 May 5, 1988
36 USC 169i	Carl Garner Federal Lands Cleanup Day (first Sunday after Labor Day)	Aug. 27, 1986 Nov. 12, 1996
36 USC 169k	Asian/Pacific American Heritage Month (May)	Oct. 23, 1992
36 USC 169l	National Pearl Harbor Remembrance Day (December 7)	Aug. 23, 1994
36 USC 169m	National Korean War Veterans Armistice Day (July 27)	July 27, 1995

Prepared by Congressional Research Service (February 26, 1999) from information in chapter 9, Title 36, United States Code. For a discussion of the Martin Luther King, Jr. Holiday, which is cited at 36 USC 169j, and other federal holidays, see CRS report 98-301, *Federal Holidays: Evolution and Application*.

Table 4. Number of Commemorative Laws, 56th -105th Congresses

All Public Laws		Public laws authorizing commemoratives					
		Commemorative periods ^a		Other commemoratives ^b		All commemoratives	
Cong.	No.	No.	% of all PLs	No.	% of all PLs	No.	% of all PLs
56 th	443	0	0.00%	5	1.13%	5	1.13%
57 th	480	0	0.00%	15	3.13%	15	3.13%
58 th	575	0	0.00%	9	1.57%	9	1.57%
59 th	775	0	0.00%	15	1.94%	15	1.94%
60 th	411	0	0.00%	7	1.70%	7	1.70%
61 st	595	0	0.00%	10	1.68%	10	1.68%
62 nd	530	0	0.00%	6	1.13%	6	1.13%
63 rd	417	1	0.24%	8	1.92%	9	2.16%
64 th	458	0	0.00%	5	1.09%	5	1.09%
65 th	405	0	0.00%	4	0.99%	4	0.99%
66 th	470	0	0.00%	11	2.34%	11	2.34%
67 th	654	0	0.00%	16	2.45%	16	2.45%
68 th	707	0	0.00%	13	1.84%	13	1.84%
69 th	879	0	0.00%	20	2.28%	20	2.28%
70 th	1145	1	0.09%	33	2.88%	34	2.97%
71 st	1009	1	0.10%	47	4.66%	48	4.76%
72 nd	516	1	0.19%	17	3.29%	18	3.49%
73 rd	539	5	0.93%	10	1.86%	15	2.78%
74 th	987	4	0.41%	44	4.46%	48	4.86%
75 th	919	5	0.54%	21	2.29%	26	2.83%
76 th	1005	5	0.50%	25	2.49%	30	2.99%
77 th	850	5	0.59%	9	1.06%	14	1.65%
78 th	568	3	0.53%	8	1.41%	11	1.94%
79 th	733	7	0.95%	17	2.32%	24	3.27%
80 th	906	2	0.22%	23	2.54%	25	2.76%
81 st	921	6	0.65%	14	1.52%	20	2.17%
82 nd	594	5	0.84%	7	1.18%	12	2.02%
83 rd	781	8	1.02%	15	1.92%	23	2.94%
84 th	1028	5	0.49%	34	3.31%	39	3.79%
85 th	936	12	1.28%	37	3.95%	49	5.24%

Public laws authorizing commemoratives							
All Public Laws		Commemorative periods ^a		Other commemoratives ^b		All commemoratives	
Cong.	No.	No.	% of all PLs	No.	% of all PLs	No.	% of all PLs
86 th	800	10	1.25%	34	4.25%	44	5.50%
87 th	885	21	2.37%	27	3.05%	48	5.42%
88 th	666	12	1.80%	23	3.45%	35	5.26%
89 th	810	19	2.35%	35	4.32%	54	6.67%
90 th	640	12	1.88%	25	3.91%	37	5.78%
91 st	695	27	3.88%	41	5.90%	68	9.78%
92 nd	607	29	4.78%	17	2.80%	46	7.58%
93 rd	649	22	3.39%	35	5.39%	57	8.78%
94 th	588	12	2.04%	36	6.12%	48	8.16%
95 th	633	21	3.32%	36	5.69%	57	9.00%
96 th	613	40	6.53%	56	9.14%	96	15.66%
97 th	473	81	17.12%	28	5.92%	109	23.04%
98 th	623	157	25.20%	54	8.67%	211	33.87%
99 th	664	227	34.19%	48	7.23%	275	41.42%
100 th	713	202	28.33%	71	9.96%	273	38.29%
101 st	650	195	30.00%	37	5.69%	232	35.69%
102 nd	590	147	24.92%	64	10.85%	211	35.76%
103 rd	465	81	17.42%	58	12.47%	139	29.89%
104 th	333			40	12.01%	40	12.01%
105 th	394			65	16.50%	65	16.50%

Sources. *United States Statutes at Large*, 56th-105th Congresses; SCORPIO Bill Digest File, 102nd-105th Congresses. Prepared by Congressional Research Service (February 26, 1999).

^a Includes commemorative days, weeks, months, years, decades, etc.

^b Includes naming of buildings, commemorative medals, memorials, monuments, etc.