

CRS Report for Congress

Commemorative Legislation

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COMMEMORATIVE LEGISLATION

SUMMARY

This report examines commemorative legislation enacted into law since 1900. It focuses particularly on commemorative observances which, during the past decade (1983-1992), constituted 28.6 percent of all public laws. Statistical data are also provided for other commemorative bills such as those naming public buildings, monuments, and memorials after an individual, awarding special medals, issuing special coins, and designating national emblems.

Recently, the dramatic increase in the number of commemorative observances approved by Congress has prompted a variety of proposals to reform the process for considering such legislation. During the 102nd Congress, three bills were introduced to remove Congress entirely from the commemorative process. These proposals—the National Commemorative Events Advisory Act (H.R. 1882 and S. 1112) and the National Commemorative Advisory Act (H.R. 68)—called for a commission to advise the President on proposals for national observances. Two other measures posed changes in the House Rules. The first (H.Res. 30) would have prohibited the introduction of special interest commemorative legislation. The other (H.Res. 127) recommended that a "commemorative calendar" be used to limit floor consideration of commemoratives. The National Commemorative Events Advisory Act was reintroduced at the outset of the 103rd Congress.

In 1990, the Congressional Budget Office determined that creating a commission to handle commemorative observance proposals would cost approximately \$300,000 annually. A commission, according to CBO, would save an estimated \$100,000 and \$150,000 annually in reduced printing costs associated with the introduction and consideration of commemorative legislation. The net cost of creating a commission would then be an estimated \$150,000 to \$200,000.

Cost estimates of the current congressional system for handling commemoratives have run as high as \$1 million a year. Reform proponents believe the high cost associated with enacting commemorative observance legislation, as well as the substantial time consumed by these measures, necessitate changes in the process. Others, however, maintain that commemorative legislation provides a valuable constituent service.

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COMMEMORATIVE LEGISLATION

Since its inception, Congress has named public buildings, dams, and other sites, awarded Congressional Gold Medals, authorized the issuance of special coins, created national monuments and memorials, designated national emblems, and mandated national observances through commemorative legislation. Although the designation of observances has become by far the most popular type of commemorative, this was not always the case. Until the 1980s, the number of commemorative observances enacted by Congress in any given year rarely reached 10, and other types of commemoratives were far more prevalent.¹ Since 1981, Congress has annually approved an average of 84 commemorative observances (table 1).

GROWTH OF COMMEMORATIVE OBSERVANCES

The first perpetual commemorative observance was not approved until 1914, when Congress authorized and requested the President to issue annually a proclamation designating the "second Sunday in May, as a public expression of our love and reverence for the mothers of our country."² Fourteen years later, Congress designated a second perpetual observance, Child Health Day.³

From this modest beginning, Congress subsequently established more than 1,800 national observances, most of which were annual, rather than perpetual, commemoratives. Seventy-seven percent of these enactments, however, occurred in the past decade (1981-1992). Prior to 1981, commemorative observances constituted only one percent of the public laws enacted in the 20th century. Since the 97th Congress, they have composed 27 percent of all public laws.

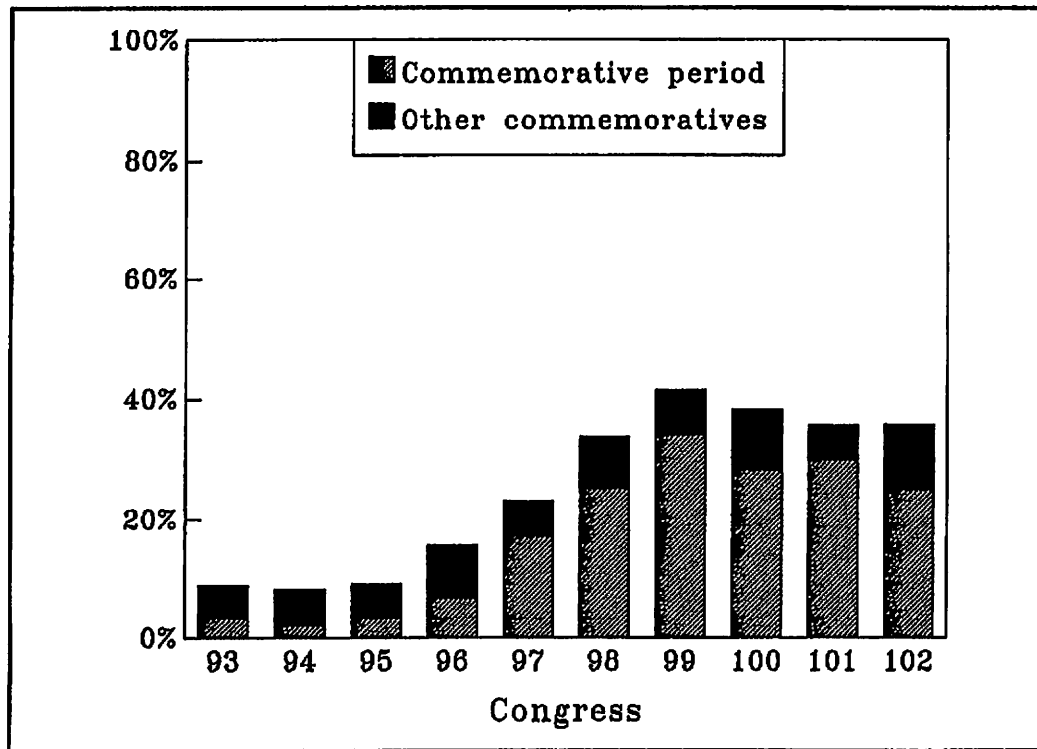
During the 102nd Congress, commemorative observance enactments declined approximately five percent (from 30 percent to 24.9 percent) while other types of commemoratives almost doubled (from 5.7 percent to 10.9 percent). Altogether, commemorative legislation constituted 35.8 percent of all public laws enacted (see figure 1 and table 1).

¹ Before 1981, only once, in the 92nd Congress, did the number of national observances exceed that of other commemoratives. In that Congress, 29 commemorative observances and 17 other commemoratives were approved.

² 38 *Stat.* 771.

³ 45 *Stat.* 617. While Congress approves most commemorative observances only for a particular year, it has approved 38 perpetual observances which call for the President to issue an annual proclamation automatically (Table 2).

Figure 1. Commemoratives as Percentage of All Public Laws, 1973-1992



Source: Congressional Research Service (April 1993)

Presidents may issue commemorative proclamations without a congressional request, and did so regularly until the administration of President Ronald Reagan. Since 1981, however, most observances have been initiated by Congress. During the 102nd Congress, they included such varied designations as Basketball Centennial Day, National Recycling Day, National Good Teen Day, Geography Awareness Week, National School Breakfast Week, National Tourism Week, National Huntington's Disease Awareness Month, Crime Prevention Month, Country Music Month, Women's History Month, and the Year of the American Indian.

As one commentator has noted, "Unlike Federal holidays, national observances don't necessarily mean schools or government offices are closed. Most take place with little fanfare, despite the usual Presidential proclamation urging Americans to observe the occasion with appropriate ceremonies and activities."⁴ There are, however, several significant reasons why various groups find them appealing.

⁴ Michael Gessel. "Have a Nice 'Day', America." *Washington Post*, March 30, 1986. p. D1.

WHY COMMEMORATIVES?

Roll Call indicated in a February 1990 editorial that it included itself among those "sophisticates" who liked "to joke about National Dairy Goat Awareness Week and National Tap Dance Week." Still, *Roll Call* realized commemoratives "make many Americans feel good about their origins, their pastimes, and their professions." The editorial went on to point out that "[m]ost commemoratives, in fact, highlight important charitable and public-spirited causes, like the National Alzheimer's Disease Month or Earth Day." *Roll Call* said "it would be a mistake to take commemoratives out of the hands of Congress." Such decisions, it was reasoned, "are always better when the people, through their elected representatives, have a role in making them." At worst, the editorial concluded, "the current system is a harmless vice; at best, it is beneficial constituent service."⁵

The "commemorative process," one Member has argued, "represents one of the most bipartisan efforts" Members of Congress undertake. Democrats as well as Republicans "sponsor, and cosponsor, these resolutions, and Members from both parties eagerly request a few minutes on the floor to express their support of a commemorative in which they have a particular interest." The "very nature of the commemorative process is bipartisan, since, the resolutions are brought up under unanimous consent."⁶

Commemoratives, the American Bar Association (ABA) has emphasized, "give members of Congress the ability to enact legislation, at no cost to the Treasury, that may be important to constituents."⁷ Additionally, commemoratives "provides a national spotlight on an issue or event or group." The process also "provides a certain stature for the issue or event or group by virtue of its recognition by Congress and the presidential proclamation that follows."⁸

⁵ "Don't Give Up Commemoratives." *Roll Call*, v. 35, January 18, 1990. p. 4.

⁶ Mervyn M. Dymally. "A Reply to Republican Unhappiness With Way House is Run." *Congressional Record*, v. 134, June 9, 1988. p. 13923.

⁷ 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., February 6, 1990. Washington, U.S. Govt. Print. Off., 1990. p. 56. Hereafter cited as *1990 Commemorative Commission Hearings*.

⁸ *Ibid.*

ARE THEY APPROPRIATE? DO THEY COST TOO MUCH?

Originally, the purpose of declaring a special day, week, month, or year was intended to heighten public awareness of a noteworthy individual or event, as previously discussed. Recently, however, some critics have previously portrayed the commemorative process as "becoming more and more of a boondoggle." They contend "that the granting of commemorative status is nothing more than a way of giving political favor."⁹ Others consider commemorative legislation as "symptomatic of congressional decline." One author suggests that "[r]emoving commemoratives from congressional jurisdiction would not ensure that Congress spends more time on consequential subjects. But at least it would remove what now is a convenient excuse for not doing so."¹⁰

Predominant among the concerns of those who advocate the removal of Congress from the commemorative process is cost. The office of Representative Claudine Schneider estimated in February 1990 that Congress' commemorative designations cost the House of Representatives approximately \$340,000 annually. Included were \$133,000 in printing costs, \$150,000 in staff time, and \$57,000 for statements in the *Congressional Record*.¹¹

Others have contended that removing Congress from the commemorative process will free up both Chambers to consider matters of greater import. Senator Ernest Hollings, for example, told his Senate colleagues in a January 1990 floor statement on commemorative reform, "[w]e should honor our constituents not by passing commemorative after commemorative, but by spending our time working on legislation that will make a real difference in their lives."¹²

One of the drawbacks to commemoratives is that they absorb "a great deal of some members' and staffs' time yielding what many believe to be insignificant results at times when Congress is confronted with more pressing problems." Furthermore, commemorative legislation "may have the ironic effect of providing

⁹ John Zinsser. "The Cost of Special Days." *Fifty Plus*, v. 24, October 1987. p. 14.

¹⁰ Stephen Green. "Catering to Every Cause." *Washington Times*, March 1, 1989. p. F4.

¹¹ These figures were calculated using February 1990 data provided by the office of Representative Claudine Schneider; testimony Representative Schneider offered during the *1990 Commemorative Commission Hearings*, p. 49; and telephone conversation with Ian Bowles, Legislative Assistant in Representative Schneider's office, November 26, 1990.

¹² Ernest Hollings. "National Commemorative Events Advisory Act." *Congressional Record*, Daily Edition, v. 136, January 23, 1990. p. S117.

publicity for causes that need it the least." Also, there are "both political and media downsides, since those who are not personally affected by the subjects may be tempted to poke fun" at many of the proposals.¹³

SHOULD CONGRESS BE INVOLVED IN THE PROCESS?

Early Reform Efforts

During the mid-1960s, long before commemoratives became popular in Congress, several different proposals were introduced to shift the responsibility of designating commemorative celebrations away from Congress. These bills, introduced by House Judiciary Committee Chairman Emanuel Celler in 1966 and 1967, and Representative Bryon G. Rogers in 1969, called for the establishment of a Commission on National Observances and Holidays to examine and study all proposals for a national observance and report to the President those observances which were considered of national significance.

The proposed three-member commission consisted of the Archivist of the United States, the Librarian of Congress, and the Secretary of the Smithsonian Institution. Members of the commission were to receive no compensation for their services. The commission was authorized to appoint two employees. It was prohibited from recommending any proposal for a national observance which honored a fraternal, political, or religious organization, or commercial enterprise or product. These guidelines reflected the standards observed by the House Judiciary Committee concerning commemorative legislation at that time.

Both the House Judiciary Committee and the Bureau of the Budget favored the proposal. The Judiciary Committee reported that a Commission would "serve the interests of the public at large and the national legislature and [would] have a salutary effect." The Bureau of the Budget expressed "concern about the proliferation of statutes which request the issuance of Presidential proclamations" and believed it was "preferable to limit issuance of Presidential proclamations to observances which are clearly of national importance."¹⁴ Both of Representative Celler's bills ultimately passed the House, but were not acted

¹³ *1990 Commemorative Commission Hearings*, p. 57.

¹⁴ Quotations are found in U.S. Congress. House. Committee on the Judiciary. *Commission on National Observances and Holidays*. House Report No. 2105, 89th Cong., 2nd Sess. Washington, U.S. Govt. Print. Off., 1966. pp. 2-3. See also Emanuel Celler. "Commission Should Be Established To Consider National Observances and Holidays." *Congressional Record*, v. 112, June 24, 1966. p. 14181.

upon by the Senate.¹⁵ By 1969, sentiment in the House had changed dramatically when Representative Rogers' proposal was defeated by a vote of 213-164.¹⁶ The idea of a commission then lay dormant for a decade.

Evolution of Committee Guidelines

Committee guidelines aimed at limiting commemoratives were formally published in the House for the first time in 1976 when the Post and Civil Service Committee assumed jurisdiction over commemorative celebrations and holidays.¹⁷ The Senate Judiciary Committee formally adopted similar procedures a decade later.¹⁸

To be considered in the Senate, a commemorative measure must have at least 50 cosponsors. Of that total, at least 20 must be Democrats and 20 must be Republicans. The sponsor of the measure is not included in this number. "Only those proposals with national appeal and significance, which shall be demonstrated by co-sponsorship of the resolution or written endorsement, or a combination thereof, by a majority of the members of the House, may be reported" in the House.¹⁹

Both committees have a prohibition against the commemoration of:

- a commercial enterprise, specific product, or fraternal, political or sectarian organizations (the Senate also prohibits commemoration of an industry);

¹⁵ "Commission on National Observances and Holidays." *Congressional Record*, v. 112, October 3, 1966. p. 24828; and "Commission on National Observances and Holidays." *Congressional Record*, v. 113, March 20, 1967. pp. 7258-7263.

¹⁶ "Commission on National Observances and Holidays." *Congressional Record*, v. 115, March 18, 1969. pp. 6670-6675.

¹⁷ Effective January 3, 1975 (H.Res. 988, 93rd Congress) the House Post and Civil Service Committee's jurisdiction was expanded to include holidays and celebrations (a matter formerly within the jurisdiction of the Committee on the Judiciary). U.S. Congress. House. *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States: One Hundred Second Congress*. House Document No. 101-256, 101st Cong., 2nd Sess. Washington, U.S. Govt. Print. Off., 1991. p. 389.

¹⁸ The Senate Committee Judiciary Committee on the Judiciary adopted a policy for consideration of Commemorative Measures on February 20, 1986. That policy became effective on January 1, 1987.

¹⁹ Committee Policy adopted by the House Post Office and Civil Service Committee for the 103rd Congress.

- a particular state or any political subdivision of a state, city, town, county, school, or institution of higher learning; or
- a living person.

In addition, the House Post Office and Civil Service Committee will not report any "proposal which designates a commemorative day or other period already passed in time."²⁰

Proposals for recurring annual commemorations are prohibited. A proposal for an annual commemoration in each of two consecutive years may be reported, however, if: (1) such a 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 proceeding the first year of the proposed commemoration; or (3) the commemoration period proposed would occur before the commencement of the next Congress.

The Senate Judiciary Committee considers commemoratives only in the months of February, June, and October. No written reports are filed on this type of legislation. Requests for a waiver of any of the Judiciary Committee policies are not considered unless two-thirds of the Senate indicates a desire to do so.²¹

Recent Proposals

Despite committee guidelines aimed at limiting commemorative celebrations, they became increasingly popular in the 1980s, and the media, with increased frequency, poked fun at what it perceived to be misplaced priorities.²² Members advocating reform of the current process felt Congress should devote its efforts to the consideration of bills addressing issues of substance,²³ and argued that commemorations were too costly. Cost estimates for printing,

²⁰ *Ibid.*

²¹ U.S. Congress. Senate. Committee on the Judiciary. *Committee Policy for the Consideration of Commemorative Measures*. February 20, 1986. 2p.

²² Peter Carlson. "The Least Exclusive Club in the World." *Washington Post Magazine*, November 4, 1990, p. 21; "National Prune Day." *New Republic*, v. 200, March 27, 1989. pp. 9-10; "National Too-Much Month." *New York Times*, March 23, 1989. p. A28; David Shribman. "What Will It Take to Make Your Day? Not a Lot, It Seems." *Wall Street Journal*, October 11, 1985. pp. 1, 22; and "ABC World News Tonight." February 29, 1988 (Script), pp. 2-3.

²³ For example, see Ernest Hollings. "National Commemorative Events Advisory Act." *Congressional Record*, Daily Edition, v. 136, January 23, 1990. p. S117; and Dave McCurdy. "Trivial Pursuit." Letter to the Editor. *Roll Call*, January 22, 1990. p. 4.

consideration, and enactment of commemorative observances have run as high as \$1 million a year.²⁴

In 1983, seeking to address these concerns, Representative William Whitehurst revived (H.R. 4571, 98th Congress) the idea of having a commission assume responsibility for designating commemorative periods. Similar legislation has since been offered in each succeeding Congress.

Other proposals sought to reform the commemorative process through changes in the Rules of the House. Representative Clyde Holloway introduced legislation in 1989 (H.Res. 244, 101st Congress) and 1991 (H.Res. 30, 102nd Congress) providing for a rule change that prohibited the House from considering any "bill or resolution, and no amendment to any bill or resolution, establishing or expressing any special interest commemoration."²⁵ Also in 1991, Representative Mickey Edwards proposed (H.Res. 127, 102nd Congress) that a "commemorative calendar" be used to control floor consideration of commemoratives.

Although each reform proposal has attracted supporters, the idea of a commemorative commission has generated the most support. During the 102nd Congress, Representatives Dave McCurdy and Sherwood L. Boehlert and Senator Ernest Hollings each introduced bills similar to the commission approach offered in earlier Congresses. Representative Boehlert's National Commemorative Advisory Act (H.R. 68) was cosponsored by 151 of his colleagues. Representative McCurdy's National Commemorative Events Advisory Act (H.R. 1882) attracted 114 cosponsors. Senator Hollings' National Commemorative Events Advisory Act (S.1112) garnered the interest of 23 Senators.²⁶ Representative McCurdy reintroduced the National Advisory Events Act proposal (H.R. 624) early in the 103rd Congress.

Each of these measures would have created a streamlined commemorative process to "save the Congress considerable time and resources which could be devoted to matters of more pressing national concern."²⁷ The legislation also would have removed the Senate and the House from the commemorative decision making process because:

²⁴ Lawrence J. Haas. "Commemoratives: Cheaper Than Bacon." *National Journal*, v. 20, May 7, 1988. p. 1198; Carol McCabe. "The Acts of Congress Don't Play in Claudine Schneider's Scenario." *Washington Times*, May 27, 1988. p. B6; and William Whitehurst. "No More 'National Muffin Weeks.'" *Congressional Record*, v. 132, March 10, 1986. p. 4108.

²⁵ "Special interest commemoration' means any commemoration or recognition of any individual, group or organization, commercial endeavor, or political or geographical subdivision."

²⁶ U.S. Library of Congress. Legislative Information File for the 102nd Congress.

²⁷ Section 2 of H.R. 68, H.R. 1882, and S. 1112, 102nd Congress.

- the preparation and consideration of commemoratives unduly burdens Congress and consumes an inordinate amount of time;
- commemoratives could be more effectively considered by a commission whose sole function would be to review proposals for national observances and to make positive or negative recommendations thereon to the President; and
- a commission would better ensure the impartial review of proposals for national observances generated by a wide variety of constituent groups.²⁸

The commemorative commission legislation offered in the 102nd Congress called for an 11-member panel. All three bills proposed that the Speaker of the House and President pro tempore of the Senate each appoint two members. H.R. 68 further provided that one of the two Members selected by the Speaker and President pro tempore be from the minority party. S. 1112 required that majority and minority party leaders be consulted. The President, in each instance, was to designate the other seven members. The Presidential appointees had to be United States citizens (but not Members of Congress) who variously represented a wide range of educational, geographical, and professional backgrounds.

All three proposals provided for the commission to meet quarterly, with authority to hold hearings, take testimony, and receive evidence as appropriate. Principally, the Commission would:

- establish criteria for recommending to the President that a proposed commemorative event be approved or disapproved;
- establish and publish in the *Federal Register* procedures for submitting proposals for national commemorative events to the Commission;
- review all proposals submitted to it in accordance with the rules published in the *Federal Register*; and
- issue a recommendation to the President for approval or disapproval of each proposal submitted.²⁹

²⁸ *Ibid.*

²⁹ Section 6 of H.R. 68, H.R. 1882, S. 1112, 102nd Congress. Commission members who were either Members of Congress or Federal employees would receive no additional compensation for their service on the panel. The other members of the Commission would receive the daily equivalent of a GS-15 (H.R. 1882 and S. 1112) or GS-18 (H.R. 68) of the General Schedule for each day, including travel, during which they were performing Commission duties. Travel expenses and a per diem allowance were authorized for all Commission members

1990 Hearings on Proposals to Create a Commissions

During the 101st Congress, hearings on two proposals to create an Advisory Commission on National Commemorative Events were held by the Subcommittee on Census and Population of the House Post Office and Civil Service Committee.⁸⁰ During those hearings, Representative Dave McCurdy told the Subcommittee, on February 6, 1990, that his "push to form an independent commission" on national observances was "more than a matter of time and money." It was, he said, "a matter of credibility." A survey of House Members by his office had revealed that "[n]early 44 percent of the respondents spent up to 15 percent of their time" on some phase of the commemorative process. An overwhelming majority thought the "time spent on commemorative legislation [was] displacing Member and staff time which would be better spent on matters that have a higher priority."⁸¹

Representative Claudine Schneider characterized the current method of designating commemorative events as "embarrassing, unfair, and a poor use of Congressional time and resources." In addition, the current system did "not

while away from their homes or regular places of business in performance of services for the Commission. Section 3 of H.R. 68, H.R. 1882, and S. 1112, 92nd Congress.

⁸⁰ For a brief summary of the hearings see Beth Pechta. "Proposals Would Revise How Congress Picks Special Days." *Congressional Quarterly Weekly Report*, v. 48, February 24, 1990, p. 570; and Timothy J. Burger. "Commemorative Fight Gets Testy." *Roll Call*, February 8, 1990. pp. 1, 18.

⁸¹ *1990 Commemorative Commission Hearings*, pp. 7-8. In January 1990, Representative Dave McCurdy surveyed the 254 Members of the House who had cosponsored one of the commemorative commission proposals. Each office was asked to answer seven questions on their handling of commemorative legislation. Twenty-three percent of the sample responded to the questionnaire. Of the 58 offices that answered the questionnaire, 29 offices said that their commemorative workload was assigned to one staff member. Twenty-three offices said that they distribute such legislation to staff on the basis of subject matter. Almost 45 percent of the respondents ranked commemorative measures as the least important part of their legislative work.

Member and staff time spent on commemorative legislation ranged from estimates of 1-5 percent for 43.1 percent of the respondents to 6-15 percent for 44.8 percent of the respondents. Six offices said they did not spend any time on this type of legislation. Fifty-three offices or 91.4 percent of the survey respondents stated that the time spent on commemorative legislation could be better spent on matters with a higher priority. "McCurdy: Members Keen on Relinquishing Commemorative Duties." Press Release Congressman Dave McCurdy, February 6, 1990. 2p.

provide for an impartial review of commemorative proposals," allowed for the "influence of special interests," and was too costly, she said.⁸²

"It's apparent," Subcommittee Chairman Tom Sawyer stated, "that Congress feels at times annoyed or frustrated with the current process." As a consequence, Congress, "therefore, would choose to transfer a function currently handled through the legislative process to another branch of Government." Perhaps what Congress needs to do, he reasoned, is "develop more discipline within our ranks, to ensure that we propose and consider only those observances that are truly worthwhile and significant from a national perspective." Once this has been done, Chairman Sawyer suggested Congress would "be in a better position to develop a process that assures timely and cost-effective consideration" of commemoratives.⁸³

Representative William D. Ford, chairman of the House Post Office and Civil Service Committee, also felt the process needed reform. However, he argued that a radical departure from the current system would, "in effect, remove an important constituency function In addition, and equally important, organizations engaged in activities for the public good would lose a useful forum." Before abandoning this "popular constituency service," Representative Ford stressed, Congress must "understand what would happen" if a commemorative commission were selected as the alternative.⁸⁴

Similarly, Representative Ted Weiss suggested that the current system needed "to be fine-tuned, not discarded altogether." He said: "Allowing Americans to lobby Congress to pass commemorative legislation and having them participate in the steps along the way to final passage gives them a sense that they are taking part in government—that they have a say in what goes on at the top of the 'Hill.' At this time of increasing political apathy, this sense of power is absolutely essential."⁸⁵

By far the most comprehensive testimony of the day was that provided by Thomas M. Susman, who appeared on behalf of the American Bar Association's Section on Administrative Law and Regulatory Practice. Mr. Susman, in response to an expressed concern that this was yet another instance of Congress trying to take "itself out of the process," pointed out that, in several instances, this approach had proved to be prudent. "Congress used to distribute seeds and regulate the railroads," he explained, "but over a century ago it decided it wanted out of those processes." Also, "over a century ago, Congress took itself out of the private claims process." This did not mean that Congress stopped passing claims

⁸² 1990 Commemorative Commission Hearings, pp. 17-18.

⁸³ *Ibid.*, pp. 2-3.

⁸⁴ *Ibid.*, p. 5.

⁸⁵ *Ibid.*, p. 98.

bills, Susman continued; it just meant that individual claims against the Government first went to the U.S. Claims Court. Private immigration legislation, is now treated in exactly the same way.⁸⁶

In his analysis of the two proposals (H.R. 539 and H.R. 746), Mr. Susman offered several modifications for the Subcommittee's consideration before reporting the legislation. These suggestions included:

- removing the provision requiring the appointment of Members of Congress to the Committee;
- requiring more frequent meetings of the Commission;
- providing authority for a permanent staff;
- limiting the executive director's tenure to a specific number of years or until replaced by the President;
- establishing criteria and procedures for submissions;
- opening Commission meetings to the public;
- making Commission recommendations and explanations public; and
- providing ample opportunity for objections to be heard.⁸⁷

Another suggestion, offered by Gary M. Ross, congressional liaison, General Conference of Seventh-Day Adventists, stressed that "one criterion should perhaps be imposed on the commission from the outset; namely the stipulation that no religious cause should ever qualify for a national observance." To "safeguard against even the inadvertent proclamation of a religious cause," Mr. Ross suggested the commission should "refrain from honoring causes purported to be 'holy,' 'hallowed,' 'sacred,' or observing a 'day of rest'." Such criteria, he felt, "translates into an affirmation of church-state separation and strong reliance upon the religious clauses of the First Amendment."⁸⁸ Similar statements on the separation of church and state were submitted for the hearing record by 11 different private citizens.⁸⁹

⁸⁶ *Ibid.*, p. 54.

⁸⁷ *Ibid.*, pp. 62-63.

⁸⁸ *Ibid.*, pp. 65-66.

⁸⁹ *Ibid.*, pp. 99-108, 110-113, 116-131, 135-136.

1990 CBO Cost Estimates

Also included in the 1990 hearing record was a Congressional Budget Office (CBO) estimate of the costs of a commemorative commission. CBO determined that a commemorative commission would need \$300,000 annually. This amount would cover "staff detailed to the commission, overhead, and expenses associated with the quarterly meetings." The Budget Office did not feel the commission's costs were "likely to be offset by similar savings for Congressional staff because the work that would be consolidated in the commission is currently spread over the staff of 535 Members of Congress as well as several committees." As a consequence CBO did "not expect the number of Congressional staff to shrink as a result." CBO also felt that "Congress is not likely to cease working on commemoratives entirely."⁴⁰

Congressional printing costs would decline, said CBO, "if Members no longer introduce legislation dealing with commemoratives." If the 100th Congress "had not introduced 696 commemorative resolutions and enacted 258 of them...it would have saved about \$266,000 in printing costs, or about \$133,000 per year. CBO found that savings associated with printing Member statements in the *Congressional Record* would not be significant because "such material is not likely to decrease appreciably."⁴¹

Considering all factors, CBO projected that shifting commemorative work to a commission would result in an estimated \$100,000 to \$150,000 in congressional savings. The net cost of creating a commission would then be an estimated \$150,000 to \$200,000 annually. CBO cautioned, however, that "savings would be less if Members nonetheless continued to introduce commemorative resolutions."⁴²

No Real Precedent

Advocates of a commemorative commission often cite the work of the Citizen's Stamp Advisory Committee as a successful precedent for their proposal.⁴³ In announcing the Stamp Committee's creation in March 1957, Postmaster General Arthur E. Summerfield said that an "Advisory Committee [would] be of great assistance to the Post Office Department in developing a

⁴⁰ *Ibid.*, pp. 33, 37.

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ For example see: *Ibid.*, pp. 7, 17, 44; and Ernest Hollings. "National Commemorative Events Advisory Act." *Congressional Record*, Daily Edition, v. 136, January 23, 1990. p. S117.

long-range program for issuance of well designed postage stamps with the most appropriate and appealing themes." By all accounts, it has been helpful.⁴⁴

Creation of the Stamp Advisory Committee did not, however, immediately deter Members of Congress from introducing commemorative stamp proposals. During the first decade of the Committee's existence (1957-1966) a yearly average of 41 commemorative stamp proposals were introduced. An average of 31 and 11, respectively, were introduced in the subsequent two decades (1967-1986). Yet, only a handful of the more than 800 stamp proposals were ever approved. Since 1987, there have been only 21 such proposals. The persistence of congressional stamp proposals for some years following establishment of the Stamp Advisory Committee may have resulted from several factors: (1) Congress had apparently little or no role in the Stamp Advisory Committee's creation, and (2) the House and Senate Committees, having jurisdiction over commemoratives, did not adopt a "policy that the determination of the subject matter of commemorative stamps" should be made by the Postmaster General until the mid-1970s. Only then did it become an official policy not to consider to such proposals.⁴⁵

CONCLUSION

Conditions have changed dramatically since the first proposals calling for the reform of the commemorative process were introduced in the late 1960s, when Congress was approving an average of approximately 10 commemorative periods a year. In 1992, Congress approved more than seven times as many.

⁴⁴ The Citizen's Stamp Advisory Committee was established by Postmaster General Arthur E. Summerfield to "advise the Post Office Department on any matters pertaining to the subject matter, design, production and issuance of postage stamps." U.S. Post Office Department. Information Service. Press Release No. 66, March 26, 1957. p. 1. See also U.S. Post Office Department. Stamp Advisory Committee. *Federal Register*, v. 22, no. 58, March 28, 1957. p. 1996; Daniel Kegan. "Birth of a Stamp Is a Sticky Issue." *Insight*, v. 4, July 4, 1988. pp. 60-61; Donald J. Lehnus. *Angels and Zeppelins*. Westport, Conn., Greenwood Press, 1982. pp. 133-144, 153; and 1990 *Commemorative Commission Hearings*, pp. 50-53. Over the years, the Stamp Advisory Committee continually refined its standards for selecting appropriate subjects to commemorate. Lehnus, *Angels and Zeppelins*, pp. 139-144, 153; and 1990 *Commemorative Commission Hearings*, p. 52n.

⁴⁵ U.S. Congress. House. Committee on Post Office and Civil Service. *Legislative Calendar: Ninety-Fourth Congress*. Washington, U.S. Govt. Print. Off., 1977.

This change arguably reflects an "increased emphasis on constituency attentiveness in Congress during the 1980s."⁴⁶

The 1990 House hearings, however, show that commemorative legislation has become an important issue for Members of Congress.⁴⁷ Although arguments exist on both sides of the question, there does seem to be consensus on at least one point—some sort of reform is needed.

Whether or not an independent commemorative commission is established to deal with commemorative observances—and even if current procedures remain intact—there is general agreement that substantive standards need to be developed. Better defined standards might be equally useful in helping Congress achieve its objectives in enacting commemorative legislation in the future, or in assisting a commemorative commission accomplish its mandate.

It has been suggested that the dramatic increase in commemorative observances reflects the increased emphasis on constituency attentiveness in Congress during the 1980s and the public's increased awareness of legislative activities, prompted in large part by the electronic media's broader coverage of Congress. Despite the tendency of the media to dismiss such legislation as trivial, the sheer number of commemoratives being introduced and enacted is evidence of the degree of importance attached to them.

⁴⁶ Christopher J. Bailey. "Beyond the New Congress: Aspects of Congressional Development in the 1980s." *Parliamentary Affairs*, v. 41, April 1988. p. 244.

⁴⁷ "Trivial Pursuit." *Roll Call*, January 22, 1990. p. 4; Beth Pechta. "Proposals Would Revise How Congress Picks Special Days." *Congressional Quarterly Weekly Report*, v. 48, February 24, 1990. p. 570.

TABLE 1. Number of Commemorative Laws, 56th-102nd Congresses

		Public laws authorizing commemoratives					
Cong.	All Pub. Laws	Commemorative periods ¹		Other commemoratives ²		All commemoratives	
		No.	% of all PLs	No.	% of all PLs	No.	% of all PLs
56th	448	0	0.00%	5	1.13%	5	1.13%
57th	480	0	0.00%	15	3.13%	15	3.13%
58th	575	0	0.00%	9	1.57%	9	1.57%
59th	775	0	0.00%	15	1.94%	15	1.94%
60th	411	0	0.00%	7	1.70%	7	1.70%
61st	595	0	0.00%	10	1.68%	10	1.68%
62nd	530	0	0.00%	6	1.13%	6	1.13%
63rd	417	1	0.24%	8	1.92%	9	2.16%
64th	458	0	0.00%	5	1.09%	5	1.09%
65th	405	0	0.00%	4	0.99%	4	0.99%
66th	470	0	0.00%	11	2.34%	11	2.34%
67th	654	0	0.00%	16	2.45%	16	2.45%
68th	707	0	0.00%	13	1.84%	13	1.84%
69th	879	0	0.00%	20	2.28%	20	2.28%
70th	1145	1	0.09%	33	2.88%	34	2.97%
71st	1009	1	0.10%	47	4.66%	48	4.76%
72nd	516	1	0.19%	17	3.29%	18	3.49%
73rd	539	5	0.93%	10	1.86%	15	2.78%
74th	987	4	0.41%	44	4.46%	48	4.86%
75th	919	5	0.54%	21	2.29%	26	2.83%
76th	1005	5	0.50%	25	2.49%	30	2.99%
77th	850	5	0.59%	9	1.06%	14	1.65%
78th	568	3	0.53%	8	1.41%	11	1.94%
79th	733	7	0.95%	17	2.32%	24	3.27%
80th	906	2	0.22%	23	2.54%	25	2.76%
81st	921	6	0.65%	14	1.52%	20	2.17%
82nd	594	5	0.84%	7	1.18%	12	2.02%
83rd	781	8	1.02%	15	1.92%	23	2.94%
84th	1028	5	0.49%	34	3.31%	39	3.79%
85th	936	12	1.28%	37	3.95%	49	5.24%
86th	800	10	1.25%	34	4.25%	44	5.50%
87th	885	21	2.37%	27	3.05%	48	5.42%
88th	666	12	1.80%	23	3.45%	35	5.26%
89th	810	19	2.35%	35	4.32%	54	6.67%
90th	640	12	1.88%	25	3.91%	37	5.78%
91st	695	27	3.88%	41	5.90%	68	9.78%
92nd	607	29	4.78%	17	2.80%	46	7.58%
93rd	651	22	3.38%	35	5.38%	57	8.76%
94th	588	12	2.04%	36	6.12%	48	8.16%
95th	633	21	3.32%	36	5.69%	57	9.00%
96th	613	40	6.53%	56	9.14%	96	15.66%
97th	473	81	17.12%	28	5.92%	109	23.04%
98th	623	157	25.20%	54	8.67%	211	33.87%
99th	664	227	34.19%	48	7.23%	275	41.42%
100th	713	202	28.33%	71	9.96%	273	38.29%
101st	650	195	30.00%	37	5.69%	232	35.85%
102nd	590	147	24.92%	64	10.85%	211	35.76%

SOURCES. *United States Statutes at Large*, 56th Congress through the 102nd Congress. *United States Code Congressional and Administrative News*, 99th Congress, 2nd Session through the 102nd Congress. SCORPIO Bill Digest File, 102nd Congress. Prepared by Congressional Research Service (April 1998).

¹ Includes commemorative days, weeks, months, years, decades, etc.

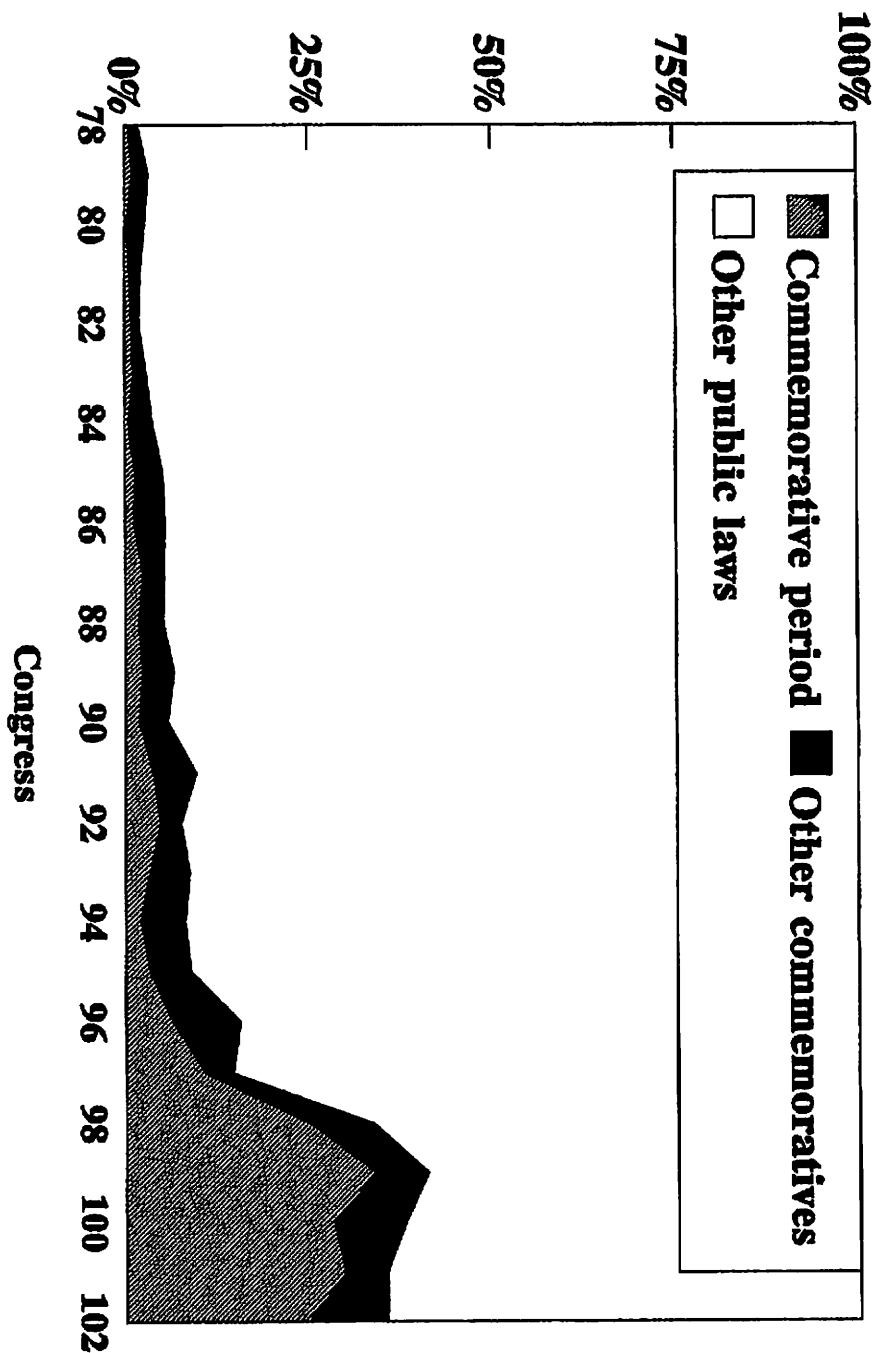
² Includes commemorative medals, memorials, monuments, etc.

TABLE 2. Perpetual Commemoratives

U.S. Code citation	Title	Year enacted
36 USC 142	Mother's Day	May 8, 1914
36 USC 142a	Father's Day	April 24, 1972
36 USC 142b	National Grandparents Day	Sept. 6, 1979
36 USC 143	Child Health Day	May 18, 1928
		Sept. 22, 1959
36 USC 145	National Maritime Day	May 20, 1933
36 USC 146	Columbus Day	April 30, 1934
36 USC 148	Gold Star Mother's Day	June 23, 1936
36 USC 149	Commemoration of Thomas Jefferson's Birth	Aug. 18, 1937
36 USC 150	Cancer Control Month	March 28, 1988
36 USC 151	Aviation Day	May 11, 1939
36 USC 151a	Pan American Aviation Day	Oct. 10, 1940
36 USC 153	Citizenship Day	Feb. 29, 1952
36 USC 155	National Disability Employment Awareness Month	Aug. 11, 1945
		Oct. 8, 1970
		Nov. 7, 1988
36 USC 156	National Freedom Day	June 30, 1948
36 USC 157	Flag Day	Aug. 3, 1949
36 USC 157a	National Flag Week	June 9, 1966
36 USC 157b	Honor America Days	June 13, 1975
36 USC 158	Stephen Foster Memorial Day	Oct. 27, 1951
36 USC 159	Constitution Week	Aug. 2, 1958
36 USC 160	National Defense Transportation Day	May 16, 1957
36 USC 161	National Safe Boating Week	June 4, 1958
		Oct. 3, 1980
36 USC 162	Loyalty Day	July 18, 1958
36 USC 163	National Forest Products Week	Sept. 13, 1960
36 USC 164	Law Day, USA	April 7, 1961
36 USC 165	National Poison Prevention Week	Sept. 26, 1961
36 USC 166	National Transportation Week	May 14, 1962
36 USC 167	Peace Officers Memorial Day	Oct. 1, 1962
36 USC 168	National School Lunch Week	Oct. 9, 1962
36 USC 169	Wright Brothers Day	Dec. 17, 1963
36 USC 169a	Save Your Vision Week	Dec. 30, 1963
36 USC 169b	American Heart Month	Dec. 30, 1963
36 USC 169c	Leif Erikson Day	Sept. 2, 1964
36 USC 169d	White Cane Safety Day	Oct. 6, 1964
36 USC 169e	Steelmark Month	Nov. 2, 1966
36 USC 169f	National Hispanic Heritage Month	Sept. 17, 1968
		Aug. 17, 1988
36 USC 169g	Memorial Day as Day of Prayer for Permanent Peace	May 11, 1950
36 USC 169h	National Day of Prayer	April 17, 1952
		May 8, 1988
36 USC 169i	Federal Lands Cleanup Day	Aug. 27, 1986

Prepared by Congressional Research Service (April 1993).

APPENDIX I. Commemorative Laws (1943-1992)



Source: CRS (April 1993)