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Commemorations in Congress: Options for Honoring Individuals, Groups, and Events

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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.

Current congressional practice for commemoratives includes a House Rule (Rule XII, clause 5, initially adopted during the 104th Congress [1995-1996]) that precludes the introduction or consideration of legislation that commemorates a "remembrance, celebration, or recognition for any purpose through the designation of a specified period of time." Such a rule does not exist in the Senate. This House Rule, 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 types of commemoratives considered and enacted. Included in the discussion of commemorative options for Congress are those that require legislation, such as

- naming federal buildings, including post offices and other federal structures;
- postage stamps;
- commemorative coins;
- Congressional Gold Medals;
- monuments and memorials, both in the District of Columbia and elsewhere;
- commemorative commissions;
- commemorative observances;
- federal holidays; and
- requesting presidential proclamations.

Also included are commemorative options that do not require legislation. These include

- certificates of recognition;
- floor speeches; and
- flags flown over the U.S. Capitol.

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Introduction

Since its inception, Congress has used commemoratives 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 became increasingly commonplace for Congress to use commemorative legislation to name buildings and other public works, scholarships, endowments, fellowships, and historic sites.

This report provides a discussion of commemorative options available to Congress. These commemorative options are divided into those that require legislation and those that do not. Types of commemoratives requiring legislative action include naming federal buildings, including post offices; creating postage stamps; minting commemorative coins; awarding of Congressional Gold Medals; authorizing monuments and memorials, both in the District of Columbia and on federal land in other parts of the United States; establishing commemorative commissions; authorizing commemorative observances and federal holidays; and requesting presidential proclamations. Nonlegislative options include sending certificates of recognition, making floor speeches, and sending flags flown over the Capitol Building to constituents.

Efforts to Curb Commemoratives

Beginning in the 1960s, several initiatives were undertaken to reduce the number of commemoratives proposed through legislation. These initiatives were in response to concern that the legislative time spent on commemorative measures was excessive.[1] Efforts to curb commemoratives can be divided into two categories: creating an advisory commission to recommend appropriate commemorations and amending congressional rules on the introduction and consideration of commemorative legislation.

Advisory Commission

Between the 89th Congress (1965-1966) and the 104th Congress (1995-1996), several proposals were introduced to shift the responsibility of recommending commemorative celebrations to a presidential commission. First introduced in 1966, the proposed Commission on National Observances and Holidays would have served to review proposals for national observances and "report to the President with respect to any proposal for a national observance which, in the opinion of the Commission, is of national significance."[2] In both the 89th Congress and the 90th

[1] Roger H. Davidson, "The New Centralization on Capitol Hill," *The Review of Politics*, vol. 50, no. 3 (Summer 2008), p. 353; and Craig Volden and Alan E. Wiseman, "Breaking Gridlock: The Determinants of Health Policy Change in Congress," *Journal of Health Politics, Policy and Law*, vol. 36, no. 2 (2011), p. 236.

[2] "Commission on National Observances and Holidays," *Congressional Record*, vol. 112, part 18 (October 3, 1966), p. 24828. The commission would not have been allowed to make recommendations calling for a national observance for any fraternal, political, or religious organization, or a commercial enterprise or product.

Congress (1967-1968),[3] measures were passed by the House, but no further action was taken by the Senate.[4]

House Ban on Commemorative Legislation

In the 104th Congress (1995-1996), the House adopted a new rule to reduce the number of commemorative bills and resolutions introduced and considered by the chamber. House Rule XII, clause 5, prohibits the introduction and consideration of date-specific commemorative legislation.

House Rule XII, Clause 5

As part of the rules adopted by the 104th Congress,[5] House Rule XII was amended to preclude the introduction or consideration of any bill, resolution, or amendment that "establishes or expresses a commemoration." The rule, which is still in effect, defines a commemoration as any "remembrance, celebration, or recognition for any purpose through the designation of a specified period of time." Further, in the House Rules Committee's section-by-section analysis of the House Rules resolution (H.Res. 6, 104th Congress), the following explanation was provided of the rule's intent:

> The new ban on date-specific commemorative measures or amendments applies to both the introduction and consideration of any measure containing such a commemorative. This is intended to include measures in which such a commemorative may only be incidental to the overall purpose of the measure. Such measures will be returned to the sponsor if they are dropped in the legislative hopper. The prohibition against consideration also extends to any measures received from the Senate which contain date-specific commemorative [sic]. While it does not block their receipt from the other body, it is intended that such measures would not be referred to the appropriate committee of the House or be considered by the House. Instead, they would simply be held at the desk without further action. Should such a commemorative be included in a conference report or Senate amendment to a House bill, the entire conference report or Senate amendment would be subject to a point of order.
>
> While the ban does not apply to commemorative [sic] which do not set aside a specified period of time, and instead simply call for some form of national recognition, it is not the intent of the rule that such alternative forms should become a new outlet for the consideration of such measures. Thus, while they could be referred to an appropriate committee, it is not expected that such committees should feel obligated or pressured to establish special rules for their release to the House floor. Nor should it be expected that the Rule [sic] Committee should become the new avenue for regular waivers of the rule against date specific commemorative [sic]. Such exceptions should be limited to those rare situations warranting special national recognition as determined by the Leadership.[6]

From the 104th to the 109th and the 112th to the 115th Congresses, the Republican Party held the majority of seats in the House. During this time, consideration of commemorative legislation was

[3] "Commission on National Observances and Holidays," *Congressional Record*, vol. 113, part 6 (March 20, 1967), pp. 7258-7263.

[4] The proposed commission was introduced in six succeeding Congresses beginning in the 98th Congress (1983-1984). These proposals were each called the National Commemorative Events Advisory Act and were introduced as H.R. 4571 (98th Congress); H.R. 692 (99th Congress); H.R. 998 (100th Congress); H.R. 539 (101st Congress); S. 1112, H.R. 68, and H.R. 1882 (102nd Congress); H.R. 624 (103rd Congress); and S. 1236 (104th Congress). None of these proposals was reported out of committee.

[5] "Ban on Commemoratives," *Congressional Record*, daily edition, vol. 141 (January 4, 1995), pp. H29-H30.

[6] "Rules of the House," *Congressional Record*, vol. 141, part 1 (January 4, 1995), p. 476.

also effectively governed by a rule of the House Republican Conference. Conference Rule 28(a)(6) generally prohibited the Republican leader from scheduling certain commemorative bills and resolutions for floor consideration under suspension of the rules.[7] While party rules are not enforceable by points of order on the House floor, the rule arguably reflected a reluctance on the part of the majority party during this period to schedule any legislation with commemorative intent.[8] The Democratic Party, which holds the majority of House seats in the 116th Congress and therefore is responsible for scheduling floor action, has also instituted protocols for the scheduling of commemorative legislation. The majority leader's protocols for the 116th Congress state that

> the Majority Leader shall not schedule any bill or resolution for consideration that expresses appreciation, commends, congratulates, celebrates, recognizes the accomplishments of, or celebrates the anniversary of, an entity, event, group, individual, institution, team or government program; or acknowledges or recognizes a period of time.[9]

Committee Rules

In addition, in the 114th Congress, the House Committee on Oversight and Government Reform (which has jurisdiction over holidays and celebrations) first adopted a committee provision. Retained in Oversight and Reform Committee rules in the 116th Congress, Rule 13 covers three types of commemoratives: stamps, postal naming legislation, and resolutions. It states,

> (a) Commemorative Stamps. The determination of the subject matter of commemorative stamps and new semi-postal issues is properly for consideration by the Postmaster General, and the Committee will not give consideration to legislative proposals specifying the subject matter of commemorative stamps and new semi-postal issues. It is suggested that recommendations for the subject matter of stamps be submitted to the Postmaster General.
>
> (b) Postal Naming Bills. The consideration of bills designating facilities of the United States Postal Service shall be conducted so as to minimize the time spent on such matters by the Committee and the House.
>
> (c) Resolutions. The Chair of the Committee shall not request to have scheduled any resolution for consideration under suspension of the Rules, which expresses appreciation, commends, congratulates, celebrates, recognizes the accomplishments of, or celebrates the anniversary of, an entity, event, group, individual, institution, team or government program; or acknowledges or recognizes a period of time for such purposes.[10]

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[7] U.S. Congress, House Republican Conference, "Conference Rules." In the 116th Congress, this is Rule 29(a)(6) of the party conference rules. See https://www.gop.gov/conference-rules-of-the-116th-congress/. Another portion of the rule allowed a waiver to be granted by a majority of the party's elected leadership.

[8] While in the majority, the House Republican Conference also issued leadership protocols "intended to guide the majority leadership in the scheduling and consideration of legislation on the House floor," indicating that a "resolution of bereavement, or condemnation, or which calls on others (such as a foreign government) to take a particular action, but which does not otherwise violate the provisions of [Republican Conference] Rule 28 is eligible to be scheduled under suspension of the Rules." For those leadership protocols, issued November 1, 2016, see "Floor Protocols" at https://www.republicanleader.gov/protocols/.

[9] U.S. Congress, House, Majority Leader Steny Hoyer, "116th Congress Legislative Protocols," at https://www.majorityleader.gov/content/116th-congress-legislative-protocols. However, the protocols also state that a "resolution on condemnation, or which calls on others to take a particular action, is eligible to be scheduled for consideration."

[10] U.S. Congress, House Committee on Oversight and Reform, "Committee on Oversight Rules," 116th Congress, at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/COR%20Rules%20-%20passed.pdf.

In the 115th Congress, the committee also issued additional guidance that "in accordance with the intent of this rule, it will be the policy of the Committee that resolutions deemed to fit these criteria shall not be considered by the Committee."[11] In the 116th Congress, the Committee on Oversight and Reform also published guidance that "Pursuant to committee rules, commemorative resolutions will not be considered."[12]

Past Waiver of House Rule XII

Since House Rule XII, clause 5, was adopted in the 104th Congress, it has been waived by unanimous consent on at least one occasion. Specifically, the "House by unanimous consent waived the prohibition against introduction of a certain joint resolution specified by sponsor and title proposing a commemoration,"[13] to allow for the consideration of H.J.Res. 71 (107th Congress, 2001-2002), legislation establishing Patriot Day as a day of remembrance for September 11, 2001.[14]

Overview of Options Discussed

Congress's commemorative options fall into two general categories: legislative options and nonlegislative options. All legislative options require passage of a bill or resolution by the House, the Senate, or both chambers, while nonlegislative options can be accomplished by individual offices without legislative approval. Legislative options include naming federal buildings, designing postage stamps, minting commemorative coins, awarding congressional gold medals, creating monuments and memorials, designating commemorative observances, establishing federal holidays, and requesting presidential proclamations. Nonlegislative options include creating individual office awards, giving floor speeches, sending official letters, and ordering flags.

Legislative Options

Several legislative options exist to honor individuals, groups, and historic events. For each of these commemoratives, action requires passage of a bill or resolution by the House, the Senate, or both chambers. In some cases, House and Senate committees, or the majority party, have specific rules or guidance associated with commemoratives. These include requiring a minimum number of cosponsors before the bill can be considered by the relevant committee, prohibitions against commemorating sitting Members of Congress, and some restrictions on commemorating living persons.

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[11] U.S. Congress, House, Committee on Oversight and Government Reform, "Commemorative Resolutions, Postal Facility Naming Bills, and Semi-Postal and Commemorative Stamp Bills: Procedures in the 115th Congress," Dear Colleague Letter, September 5, 2017.

[12] U.S. Congress, House, Committee on Oversight and Reform, "Policies of the Committee on Commemorative Resolutions, Postal Facility Naming Bills, Semi-Postal Measures, and Bills Creating Commemorative Stamps," Dear Colleague Letter, May 15, 2019.

[13] U.S. Congress, House, *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States, One Hundred Fifteenth Congress*, prepared by Thomas J. Wickham, parliamentarian, 114h Cong., 2nd sess., H.Doc. 114-192 (Washington: GPO, 2017), §823, p. 632.

[14] "Authorizing Introduction of Joint Resolution Designating September 11 as United We Stand Remembrance Day," *Congressional Record*, daily edition, vol. 147 (October 24, 2001), p. H7300; and "Making in Order on Thursday, October 25, 2001, Consideration of Joint Resolution Designating September 11 as United We Stand Remembrance Day," *Congressional Record*, daily edition, vol. 147 (October 24, 2001), p. H7300.

Naming Federal Buildings

In each Congress, many bills are introduced to name a post office or other federal building in honor or in memory of locally esteemed individuals, deceased elected officials, fallen military personnel, and celebrities. To name a post office or other federal building after an individual an act of Congress is required. This section details congressional involvement in the naming of post offices and other federal buildings.

Post Offices

Legislation naming post offices for persons has become a very common practice. Between the 110th Congress (2007-2008) and the 115th Congress (2017-2018), 19.3% of all statutes enacted were post office naming acts.[15] Legislation has named post offices for a variety of persons, including locally esteemed individuals (e.g., Sister Ann Keefe),[16] deceased elected officials (e.g., President Ronald Reagan),[17] fallen Armed Forces personnel (e.g., Army Specialist Matthew Troy Morris),[18] and celebrities (e.g., Bob Hope).[19]

Post office naming statutes commonly identify the address of the postal facility and provide for naming ("designating") the facility.[20] Renaming a post office through legislation, however, does not result in the new name being etched or painted on the facade of the building or signs. Further, for operational and logistical reasons, a post office that has been dedicated or renamed will keep its original name and geographical designation within USPS's addressing system. Instead, to commemorate the designation, a small plaque noting the designee and designation is installed within the post office.

Over the years, both the House and Senate have adopted policies and practices for considering and enacting post office naming bills. These policies and practices, sometimes expressed in "Dear Colleague" letters or committee rules, have varied from Congress to Congress.[21] Currently, the House Oversight and Reform Committee Rule 13 states that the consideration of post office naming bills "shall be conducted so as to minimize the time spent on such matters by the Committee and the House."[22] Additionally, the House committee has issued a "Dear Colleague" letter stating its policies on the consideration of post office naming bills and other postal legislation. It states the following:

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[15] CRS analysis of legislative data, 110th through 115th Congress. Legislative Information System, http://www.lis.gov; U.S. Postal Service, "Postal Facilities Dedicated by Congress in Honor of Individuals," at http://about.usps.com/who-we-are/postal-history/post-offices-facilities.htm.

[16] P.L. 114-15, 129 Stat. 199, May 22, 2015.

[17] Several post offices have been named after President Ronald Reagan. They include Dixon, IL (P.L. 111-235, 124 Stat. 2495, August 16, 2010); Billings, MT (P.L. 108-143, 117 Stat. 1877, December 2, 2003), and West Melbourne, FL (P.L. 107-7, 1159 Stat. 9, April 12, 2001).

[18] P.L. 112-107, 126 Stat. 328, May 15, 2012.

[19] P.L. 108-120, 117 Stat. 1334, November 11, 2003.

[20] Post office naming statutes also include a "references" provision. The practical effect of this provision is that it informs agencies that they need not amend or replace existing documentation that refers to the designated post office by another name. Thus, for example, the U.S. Postal Service would not need to change its internal documents to reflect the post office's renaming.

[21] For example, see U.S. Congress, House Committee on Oversight and Reform, "Committee on Oversight Rules," 116th Congress, at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/COR%20Rules%20-%20passed.pdf.

[22] Ibid., p. 8.

> The Committee will not consider legislation designating post office buildings for living persons, except: bills naming facilities after former U.S. Presidents or Vice Presidents, former Members of Congress over 70 years of age, former state or local elected officials over 70 years of age, former judges over 70 years of age, or wounded veterans of any age.
>
> The Committee will not consider legislation designating post office buildings for a person for whom Congress already named a post office building.
>
> Postal facility naming bills should have the co-sponsorship of the entire state delegation where the post office is located.
>
> Members sponsoring postal facility naming bills must provide to the Committee documentation summarizing the designee's biographical information and background. Offices may request biographical information on a designee from the Congressional Research Service. Offices must also provide documentation that the designee's family supports the bill, in most cases.
>
> Postal facility naming bills will be considered by the Committee only after the required criteria are met in full.[23]

Similarly, under its current rules, the Senate Homeland Security and Governmental Affairs Committee (HSGAC)

> [will] not consider any legislation that would name a postal facility for a living person with the exception of bills naming facilities after former Presidents and Vice Presidents of the United States, former Members of Congress over 70 years of age, former State or local elected officials over 70 years of age, former judges over 70 years of age, or wounded veterans.[24]

Once post office naming legislation is reported by the House and Senate committees, the legislation, if considered on the floor, tends to pass the House under suspension of the rules[25] and the Senate via unanimous consent.[26]

For more information on naming post offices, including sample legislation, see CRS Report RS21562, *Naming Post Offices Through Legislation*, by Michelle D. Christensen.

Other Federal Buildings

Bills to name other federal buildings or facilities may be considered and reported in any committee, typically in relation to the agencies under each committee's jurisdiction. Legislation naming a veterans medical facility, for example, would normally originate in the Veterans' Affairs (VA) committees in the House and the Senate. Legislation naming courthouses—which are constructed and maintained by the General Services Administration (GSA)—is considered by the committees with jurisdiction over GSA, the House Transportation and Infrastructure Committee (T&I) and the Senate Environment and Public Works Committee (EPW). Historically, the large majority of nonpostal facilities are named through legislation originating in these four committees: VA and T&I in the House, and VA and EPW in the Senate. Occasionally, legislation

[23] U.S. Congress, House Committee on Oversight and Reform, "Policies of the Committee on Commemorative Resolutions, Postal Facility Naming Bills, Semi-Postal Measures, and Bills Creating Commemorative Stamps," Dear Colleague Letter, May 15, 2019, at https://e-dearcolleague.house.gov/Home/Preview?DCID=262120.

[24] U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, "Rules of Procedure of the Committee on Homeland Security and Governmental Affairs," 115th Cong., 1st Session, S.Rept. 115-9, p. 9, at https://www.govinfo.gov/content/pkg/CPRT-115SPRT24399/pdf/CPRT-115SPRT24399.pdf.

[25] For more information on suspension of the rules procedures, see CRS Report 98-314, *Suspension of the Rules in the House: Principal Features*, by Elizabeth Rybicki.

[26] For example, see P.L. 112-107, 126 Stat. 328, May 15, 2012.

is introduced to name buildings held by other agencies, such as National Aeronautical and Space Administration (NASA) training facilities. NASA is under the jurisdiction of the Science, Space and Technology Committee in the House (SST) and the Commerce, Science, and Transportation Committee in the Senate (CST), so naming legislation for NASA facilities is considered by these committees.

Committees vary as to whether they have specific rules regarding the introduction of naming legislation. Some have written naming rules. In the 116th Congress, for example, the Senate and House Veterans' Affairs Committees have adopted identical language in their committee rules that identifies specific criteria for naming legislation.[27] These rules prohibit naming a VA facility after an individual unless the individual is deceased and is

- a veteran who (i) was instrumental in the construction of the facility to be named, or (ii) was a recipient of the Medal of Honor, or, as determined by the chairman and ranking minority member, otherwise performed military service of an extraordinarily distinguished character;
- a Member of the U.S. House of Representatives or Senate who had a direct association with such facility;
- an Administrator of Veterans Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other federal civilian official of comparable or higher rank; or
- an individual who, as determined by the chairman and ranking minority member, performed outstanding service for veterans.

In addition, each Member of the congressional delegation representing the state in which the designated facility is located must indicate, in writing, his or her support of the bill. Finally, the pertinent state department or chapter of each congressionally chartered veterans' organization with a national membership of at least 500,000 must indicate, in writing, its support of the bill.

By contrast, the committees with jurisdiction over courthouse naming in the 116th Congress—T&I in the House and EPW in the Senate—do not have identical written rules. Currently, T&I does not have a formal rule pertaining to naming legislation, although it did have written policies regarding naming legislation in previous Congresses.[28] While no longer part of the committee's written rules, some or all of these requirements may still be in place—albeit informally—and enforced. Contacting the committee is the only way to determine what informal rules are in place, if any.

[27] U.S. Congress, Senate, Committee on Veterans' Affairs, *Committee on Veterans' Affairs, Rules of Procedure for the 116th Congress*, Rule VIII, at https://www.veterans.senate.gov/imo/media/doc/Rules%20116th%20Final%20Doc.pdf.

[28] 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. This memorandum identified criteria for the subcommittee to consider in naming a public building. These criteria were that 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); the building must not currently be named for an individual; subcommittee consideration does not occur unless the Member in whose district the building is located sponsors the legislation or otherwise consents to the naming; age requirements are not applicable; priority is not given to any particular class or occupation of individuals; the subcommittee generally does not name buildings for sitting Members of Congress; and the person for whom the building is named must have a "good reputation."

EPW, on the other hand, has its requirements in committee rules.[29] According to Rule 7(d) the committee may not name a building for any living person, except

- a former President or Vice President of the United States;
- a former Member of Congress over 70 years of age;
- a former Supreme Court Justice over 70 years of age;
- a federal judge who is fully retired and over 75 years of age; or
- a federal judge who has taken senior status and is over 75 years of age.[30]

As with T&I, neither SST in the House nor CST in the Senate has written rules pertaining to naming legislation.

Postage Stamps

Each year, the U.S. Postal Service (USPS) issues commemorative stamps to celebrate persons, anniversaries, and historical and cultural phenomena. For example, USPS has issued stamps for Lena Horne, President John F. Kennedy, the Chinese Lunar New Year, and Star Trek.[31] The USPS issues these stamps at its own statutory discretion and operates the program as a profit-making enterprise.[32]

Legislation to direct USPS to issue a stamp to commemorate persons, historical occurrences, and groups is occasionally introduced. CRS has been able to identify one instance when a special series commemorative stamp was issued pursuant to legislation. In 1947, Congress directed the Postmaster General to issue a special series of commemorative stamps in honor of Gold Star Mothers.[33]

Additionally, on selected occasions Congress has enacted legislation directing USPS to issue a semipostal stamp, which is a stamp sold at a premium to raise funds for a particular cause. For example, the Save the Vanishing Species Semipostal Stamp was created pursuant to H.R. 1454, the Multinational Species Conservation Funds Semipostal Stamp Act of 2010.[34]

The House Committee on Oversight and Reform has a rule against considering legislation that proposes the issuance of commemorative stamps. Committee Rule 13 states, in part, "[t]he

[29] U.S. Congress, Senate Committee on Environment and Public Works, *Committee Rules*, at https://www.epw.senate.gov/public/index.cfm/committee-rules.

[30] Ibid.

[31] U.S. Postal Service, "Postal Store: Commemoratives," at https://store.usps.com/store/results/stamps/commemorative/_/N-9y93lvZ1edrpld.

[32] 39 U.S.C. §404(a) (4-5); and CRS Report RS20221, *Commemorative Postage Stamps: History, Selection Criteria, and Revenue Potential*, by Michelle D. Christensen. USPS profits when commemorative stamp buyers save, rather than use, the stamps. Smithsonian National Postal Museum, "Ronald Reagan Issue: 2005," at https://arago.si.edu/category_2046153.html. Also see U.S. Postal Service, Postal Bulletin 22145, "Stamp Announcement 05-03, Ronald Reagan Stamp," pp. 7-21, 75, January 5, 2006, at https://about.usps.com/postal-bulletin/2005/pb22145.pdf.

[33] P.L. 80-259; 61 Stat 518. *Gold Star Mothers* are the "mothers of servicemen who made the supreme sacrifice while fighting for our country." U.S. Congress, House Committee on Post Office and Civil Service, *Authorizing the Issuance of a Special Series of Commemorative Stamps in Honor of Gold Star Mothers*, 80th Cong., 1st sess., July 17, 1947, H.Rept. 80-985, p. 1.

[34] P.L. 111-241, 124 Stat. 2605, September 30, 2010, as reauthorized by the Multinational Species Conservation Funds Semipostal Stamp Reauthorization Act of 2013 (P.L. 113-165). Authorization for the Multinational Species Conservation Semipostal Stamp expired in approximately 2016. The stamps are no longer available for purchase from the USPS.

determination of the subject matter of commemorative stamps and new semi-postal[35] issues is properly for consideration by the Postmaster General."[36] Further, a "Dear Colleague" letter issued by the committee states that "[p]ursuant to Committee rules, a bill proposing the issuance of a new semi-postal or commemorative stamp will not be considered."[37] The "Dear Colleague" letter also states that recommendations for new commemorative stamps should be submitted to the USPS Citizens' Stamp Advisory Committee.[38]

Recently, the Postmaster General used her discretionary authority[39] to create a semipostal stamp to help raise funds to fight Alzheimer's disease.[40]

For more information on commemorative postage stamps, see CRS Report RS22611, *Common Questions About Postage and Stamps*, by Michelle D. Christensen.

Commemorative Coins

Commemorative coins are produced by the U.S. Mint pursuant to an act of Congress. These coins celebrate and honor American people, events, and institutions.[41] The first commemorative coin was authorized in 1892 for the Columbia Exposition in Chicago.[42] Since 1892, Congress has authorized more than 140 new commemorative coins. Between 1954 and 1981, no new commemorative coins were authorized.[43]

In 1982, Congress restarted the commemorative coin program when it authorized a commemorative half dollar to recognize George Washington's 250th Birthday.[44] In 1996, the Commemorative Coin Reform Act (CCRA) was enacted to (1) limit the maximum number of different coin programs minted per year;[45] (2) limit the maximum number of coins minted per

[35] By law, semipostal stamps (e.g., the Breast Cancer Research stamp and the Save Vanishing Species stamp) are "issued and sold by the Postal Service, at a premium, in order to help provide funding for a cause." 39 U.S.C. §416(a)(1). For more information on semipostal stamps, see U.S. Postal Service, "Fundraising Stamps (Semipostal Stamp Program)," at https://about.usps.com/corporate-social-responsibility/semipostals.htm.

[36] U.S. Congress, House Committee on Oversight and Reform, "Committee on Oversight Rules," 116th Congress, at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/COR%20Rules%20-%20passed.pdf. See also U.S. Congress, House Committee on Oversight and Government Reform, "Commemorative Resolutions, Postal Facility Naming Bills, and Semi-Postal and Commemorative Stamp Bills: Procedures in the 115th Congress," Dear Colleague Letter, September 5, 2017, at https://e-dearcolleague.house.gov/Home/Preview?DCID=217782.

[37] U.S. Congress, House Committee on Oversight and Reform, "Policies of the Committee on Commemorative Resolutions, Postal Facility Naming Bills, Semi-Postal Measures, and Bills Creating Commemorative Stamps," Dear Colleague Letter, May 15, 2019, at https://e-dearcolleague.house.gov/Home/Preview?DCID=262120.

[38] Ibid.

[39] 39 C.F.R. 551.5(b).

[40] U.S. Postal Service, *Alzheimer's Semipostal Fundraising Stamp Dedicated Today*, November 30, 2017, http://about.usps.com/news/national-releases/2017/pr17_076.htm.

[41] U.S. Department of the Treasury, United State Mint, "Commemorative Coin Programs," at http://www.usmint.gov/mint_programs/?action=commemoratives.

[42] 27 Stat. 389, chap. 381, August 5, 1892.

[43] U.S. Department of the Treasury, United State Mint, "Commemoratives from 1892-1954," at http://www.usmint.gov/mint_programs/commemoratives/?action=premodern.

[44] P.L. 97-104; 95 Stat. 1491, December 23, 1981.

[45] A commemorative coin program is the subject matter statutorily authorized to be depicted on a commemorative coin. Within each commemorative coin program, multiple denominations of coins might be authorized. For example, P.L. 112-201 (§3, 126 Stat. 1480, December 4, 2012) authorized a commemorative coin program for Mark Twain. The statute authorized the minting of both $5 gold coins and $1 silver coins.

commemorative coin program;[46] and (3) clarify the law with respect to the recovery of Mint expenses before surcharges are disbursed and to conditions of payment of surcharges to recipient groups.[47] The CCRA restrictions took effect in 1998.

In some past Congresses, the House Committee on Financial Services has adopted a committee rule to prohibit (1) the scheduling of a subcommittee hearing on commemorative coin legislation unless it was "cosponsored by at least two-thirds of the Members of the House," or (2) reporting a "bill or measure authorizing commemorative coins which does not conform with the minting regulations under 31 U.S.C. § 5112."[48] This rule was not adopted as part of the committee rules for the 116th Congress. The House majority leader's protocols limit the number of commemorative coin bills that might be scheduled for consideration in the House. The protocol states

> the Majority Leader shall consider the first three commemorative coin bills in a Congress that receive 290 cosponsors and are submitted to the Committee on Financial Services to be scheduled for the Floor.[49]

In the Senate for the 116th Congress, the Senate Banking, Housing, and Urban Affairs Committee rules require that a commemorative coin bill or resolution have at least 67 Senators as cosponsors before being considered by the committee.[50]

For more information on commemorative coins, see CRS In Focus IF10262, *Commemorative Coins: An Overview*, by Jacob R. Straus, and CRS Report R44623, *Commemorative Coins: Background, Legislative Process, and Issues for Congress*, by Jacob R. Straus.

Congressional Gold Medals

Although Congress has approved legislation stipulating requirements for numerous other awards and decorations,[51] there are no permanent statutory provisions specifically relating to the creation of Congressional Gold Medals. When a Congressional Gold Medal has been deemed appropriate, Congress has, by legislative action, provided for the creation of a medal on an *ad hoc* basis.

From the 104th to the 109th Congress and from the 112th to the 115th Congress, the Republican Party held the majority of seats in the House. During this time, consideration of gold medal legislation was also effectively governed by a rule of the House Republican Conference. Conference Rule 28(a)(7) generally prohibited the Republican leader from scheduling for floor consideration under suspension of the rules any legislation directing the Secretary of the Treasury to strike Congressional Gold Medals except under specific circumstances.[52] While party rules are

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[46] For example, the Mark Twain commemorative coin program limited the number of coins that might be minted. P.L. 112-201, §3, required that the U.S. Mint issue "not more than 100,000 $5 coins ... and not more than 350,000 $1 coins."

[47] P.L. 104-208, §529, 110 Stat. 3009-349, September 30, 1996; 31 U.S.C. §5112(m)(1).

[48] U.S. Congress, House, Committee on Financial Services, *Rules for the Committee on Financial Services*, 113th Cong., 1st sess. (Washington: GPO, 2013), p. 6.

[49] U.S. Congress, House, Majority Leader Steny Hoyer, "116th Congress Legislative Protocols," at https://www.majorityleader.gov/content/116th-congress-legislative-protocols.

[50] "Senate Committee on Banking, Housing, and Urban Affairs Rules of Procedure," *Congressional Record*, daily edition, vol. 165 (February 25, 2019), pp. S1430-S1492.

[51] See "Decorations, Medals, and Badges," in the general index of the *United States Code: 2000 Edition* (Washington: GPO, 2001).

[52] In order for Congressional Gold Medal legislation to be scheduled under suspension of the rules, the recipient had to (1) be a natural person; (2) have performed an achievement that had an impact on American history and culture that is

not enforceable by points of order on the House floor, the rule arguably reflected a reluctance on the part of the majority party during this period to schedule certain gold medals bills.[53] The Democratic Party, which holds the majority of seats in the 116th Congress and therefore is responsible for scheduling floor action, has issued similar protocols for the scheduling of Congressional Gold Medal bills. The majority leader's protocols for the 116th Congress limit the number of gold medal bills that can be scheduled for floor consideration in the House. They state the following:

> The Majority Leader shall consider the first three Gold Medal bills in a Congress that receive 290 cosponsors and are submitted to the Committee on Financial Services to be scheduled for the Floor.[54]

In the Senate, the Banking, Housing, and Urban Affairs Committee in the 116th Congress requires that at least 67 Senators must cosponsor any Congressional Gold Medal bill before it will be considered by the committee.[55]

For more information on Congressional Gold Medals, see CRS Report R45101, *Congressional Gold Medals: Background, Legislative Process, and Issues for Congress*, by Jacob R. Straus.

Monuments and Memorials

On many occasions, Congress has authorized the creation of monuments and memorials to commemorate historic figures, events, and movements. Whether the monument or memorial is intended to be built in the District of Columbia determines the process for placement, design, and approval of the commemorative work.

District of Columbia

In 1986, the Commemorative Works Act (CWA) was enacted to provide standards for the consideration and placement of monuments and memorials in areas administered by the National Park Service (NPS) and the General Services Administration (GSA) in the District of Columbia.[56] The CWA provides that no "commemorative work may be established in the District of Columbia unless specifically authorized by Congress."[57]

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likely to be recognized as a major and long lasting achievement in the recipient's field; (3) have not previously received a gold medal for a similar achievement; (4) be a living person, or if deceased, be deceased for more than 5 years and less than 25 years; (5) have achievements that represent either a lifetime of continuous superior achievement or a single achievement so significant that the recipient is recognized and acclaimed by others in his or her field; and (6) adoption of the measure would not "cause the total number of measures authorizing the striking of such medals in that Congress to substantially exceed the average number of measure enacted in prior Congresses.

[53] U.S. Congress, House Republican Conference, "Conference Rules." In the 116th Congress, this is Rule 29(a)(7) of the party conference rules. See https://www.gop.gov/conference-rules-of-the-116th-congress/. Another portion of the rule allows a waiver to be granted by a majority of the party's elected leadership.

[54] U.S. Congress, House, Majority Leader Steny Hoyer, "116th Congress Legislative Protocols," at https://www.majorityleader.gov/content/116th-congress-legislative-protocols.

[55] "Senate Committee on Banking, Housing, and Urban Affairs Rules of Procedure," *Congressional Record*, daily edition, vol. 165 (February 25, 2019), pp. S1430-S1492.

[56] 40 U.S.C. §§8901-8909.

[57] 40 U.S.C. §8902(a)(2). "The term "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 the Reserve, Area I, and Area II as depicted on the map entitled "Commemorative Areas Washington, DC and Environs", numbered 869/86501 B, and dated June 24, 2003." For a map of the commemorative areas of Washington, DC and environs, see CRS Report R41658, *Commemorative Works in the District of Columbia: Background and Practice*, by Jacob R. Straus. Memorials

Legislation proposing a new commemorative work in the District of Columbia generally consists of three main sections: a short title, definitions, and authorization for establishing the memorial. First, most authorizing legislation has a short title. This is the name of the authorizing legislation, which often includes the name of the memorial. Second, the definitions section contains terms used in further sections of the legislation. These can include "memorial," "association," "foundation," or other relevant terms. Finally, the authorization generally consists of four parts:

1. Authorization to establish a commemorative work. This designates a specific third party entity as the "sponsor group," which is the party responsible for the establishment of the new monument or memorial.
2. Compliance with the Commemorative Works Act. This applies the CWA to the monument or memorial or exempts the monument and memorial from the CWA or certain CWA provisions.
3. Prohibition of Federal Funds. This section generally prohibits the designated sponsor group from using federal funds on the monument or memorial.
4. Deposit of excess funds. This provision specifies the use of funds raised by the sponsor group in excess of those necessary for the design, construction, and dedication of the monument or memorial.

Following introduction, CWA-related legislation is generally referred to the House Committee on Natural Resources and the Subcommittee on Public Lands and Environmental Policy, and the Senate Committee on Energy and Natural Resources. Either one or both of the committees (or subcommittees) will hold hearings on the proposal, inviting testimony from representatives of the National Park Service and the organization seeking approval for the monument or memorial. Important considerations will include historical importance of the commemorative work, estimated cost, and how private funds needed for construction are to be raised. Additionally, the National Capital Memorial Advisory Commission will often provide advice to the committees on the proposed memorial.[58]

For more information on the process after a commemorative work is authorized by Congress, see CRS Report R41658, *Commemorative Works in the District of Columbia: Background and Practice*, by Jacob R. Straus. For a list of commemorative works authorized since the enactment of the CWA in 1986, see CRS Report R43743, *Monuments and Memorials Authorized and Completed Under the Commemorative Works Act in the District of Columbia*, by Jacob R. Straus; and CRS Report R43744, *Monuments and Memorials Authorized Under the Commemorative Works Act in the District of Columbia: Current Development of In-Progress and Lapsed Works*, by Jacob R. Straus.

Non-District of Columbia

Congressional involvement in monuments and memorials outside of the District of Columbia is not governed by the Commemorative Works Act. Instead, the process for creating the monument or memorial is determined based on whether the work will be placed on existing federal land. Recently, Congress has handled the creation of monuments and memorials outside the District of

to be located on land under the Jurisdiction of the District of Columbia are governed by D.C. Law 13-275, the Commemorative Works on Public Space Amendment Act of 2000.

[58] 40 U.S.C. §8904.

Columbia in two ways: by directly authorizing a new commemorative or by making an existing commemorative a "national" monument or memorial.[59]

New Commemorative. Periodically, Congress authorizes a new memorial outside of the District of Columbia. On these occasions, legislation is required to statutorily authorize a group—either federal or nonfederal—to design, construct, and maintain the memorial.

For example, during the 107th Congress (2001-2002), legislation was enacted to authorize a memorial at the crash site in Shanksville, PA,[60] for "a national memorial to commemorate the passengers and crew of Flight 93 who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capital."[61] During debate on the bill (H.R. 3917), Representative William Shuster summarized the importance of Congress creating a national memorial and making it part of the National Park Service.

> As we debate this measure, in this most revered of halls, I cannot help but contemplate the possibility that Flight 93 was headed to a target here in the Nation's Capitol—quite possibly right here to the Capitol itself. We will, however, never know for sure where that doomed flight was headed. We will never know, because men and women, put love of country ahead of self preservation. These were not super heros [sic], but individuals just like you and me. Individuals with families and loved ones anxiously awaiting their return, who put aside their own desirers [sic] and stood up to combat terrorism and save countless lives....
>
> The legislation before us today lays out a fair and balanced approach for construction of a memorial for these brave individuals. The legislation calls for the creation of the Flight 93 Advisory Commission which would be composed of representatives from the families of victims, the local community, the state of Pennsylvania and the United States Government. The Commission would then submit their recommendations to the Secretary of the Interior.[62]

In authorizing the Flight 93 Memorial, Congress also created an advisory committee to make recommendations to the Secretary of the Interior and Congress on the design, construction, and management of the memorial.[63] Creation of such a commission is not uncommon and can aid government agencies with the planning and execution of commemorations.

Official Recognition of Existing Commemoratives. Instead of authorizing the creation of a completely new memorial, Congress has also considered legislation to recognize existing works as national monuments or memorials. Enacting legislation to provide national recognition of a monument or memorial, but maintaining local operation and maintenance, generally requires no federal oversight or funds. For example, P.L. 113-132 designated a memorial in Riverside, CA, as the "Distinguished Flying Cross National Memorial."[64] The memorial honors military aviators

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[59] Pursuant to the Antiquities Act of 1909 (16 U.S.C. §§431-433), the President may establish national monuments on federal lands. National monuments generally contain "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." (16 U.S.C. §3213). For more information on national monuments and the Antiquities Act of 1909, see CRS Report R41330, *National Monuments and the Antiquities Act*, by Carol Hardy Vincent.

[60] P.L. 107-226, 116 Stat. 1345, September 24, 2002; 16 U.S.C. §431 note.

[61] U.S. Congress, House Committee on Resources, *Flight 93 National Memorial Act*, report to accompany H.R. 3917, 107th Cong., 2nd session, July 22, 2002, H.Rept. 107-597 (Washington: GPO, 2002).

[62] Rep. William Shuster, "Flight 93 National Memorial Act," remarks in the House, *Congressional Record*, daily edition, vol. 148 (July 22, 2002), p. H5005.

[63] P.L. 107-226, §4.

[64] P.L. 113-132, 128 Stat. 1727, July 25, 2014.

who have received the "Distinguished Flying Cross [which] is the oldest military award for aviation" with a national memorial, which does not already exist.[65]

For more information on memorials and commemorative works outside Washington, DC, see CRS Report R45741, *Memorials and Commemorative Works Outside Washington, DC: Background, Federal Role, and Options for Congress*, by Jacob R. Straus and Laura B. Comay.

Commemorative Commissions

Commemorative commissions are entities established to oversee the commemoration of a person or event. These commissions typically coordinate celebrations, scholarly events, public gatherings, and other activities, often to coincide with a milestone anniversary. For example, the Christopher Columbus Quincentenary Jubilee Commission was created "to prepare a comprehensive program for commemorating the quincentennial of the voyages of discovery of Christopher Columbus, and to plan, encourage, coordinate, and conduct observances and activities commemorating the historic events associated with those voyages."[66]

Bills creating commemorative commissions are introduced regularly in Congress. For example, in the 115th Congress (2017-2018), multiple bills were introduced to establish commemorative commissions. Most of these bills, however, were not enacted.

A statute establishing a commemorative commission generally includes the commission's mandate, provides a membership and appointment structure, outlines the commission's duties and powers, and sets a termination date. A variety of options are available for each of these organizational choices, and legislators can tailor the composition, organization, and working arrangements of a commission, based on the particular goals of Congress. As a result, the organizational structure and powers of individual commissions are often unique.

In fulfilling their duties, most commemorative commissions have encouraged, worked closely with, and provided coordination for private groups, state and local governments, and other federal government entities taking part in the general commemoration of the person or event. Because of these cooperative efforts, federally created commissions are often only a portion of planned celebratory events. Therefore, federal funds appropriated to a commemorative commission are generally only a portion of the total funding ultimately expended nationwide for commemorative activities and events.

Commemorative commissions have been funded in two ways: through appropriations or through solicitation of nonfederal money. At times, commissions are authorized both for appropriations and to fundraise or accept donations. In addition, some commemorative commissions are not provided with explicit authorization to solicit funds or accept donations. Commissions without the statutory authority to solicit funds or accept donations are generally prohibited from engaging in those activities.[67]

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[65] Rep. Raúl Grijalva, "Distinguished Flying Cross National Memorial Act," remarks in the House, *Congressional Record*, daily edition, vol. 159 (October 29, 2013), p. H6853. See also, U.S. Congress, House Committee on Natural Resources, *Distinguished Flying Cross National Memorial Act*, report to accompany H.R. 330, 113th Cong., 1st sess., May 17, 2013, H.Rept. 113-79 (Washington: GPO, 2013), p. 1.

[66] P.L. 98-375, 98 Stat. 1257, August 7, 1984.

[67] U.S. Government Accountability Office, *Principles of Federal Appropriations Law: Third Edition, Volume II*, GAO-06-382SP, February 2006, pp. 6-162, http://www.gao.gov/special.pubs/d06382sp.pdf.

For more information on commemorative commissions, see CRS Report R41425, *Commemorative Commissions: Overview, Structure, and Funding*, by Jacob R. Straus.

Commemorative Observances and Days

As discussed above in the section "House Ban on Commemorative Legislation," House Rule XII, clause 5 prohibits the introduction or consideration of commemorative legislation that includes a "remembrance, celebration or recognition for any purpose through the designation of a specified period of time."[68] Additionally, House Oversight and Reform Committee rules[69] prohibit the committee chair from requesting that party leadership schedule such bills under suspension of the rules in the House. Further, in the 116th Congress, the House majority leader's protocols prohibit the scheduling of commemorative resolutions.[70] Consequently, the number of commemorative observances and days designated by bills, concurrent resolutions, joint resolutions, and House resolutions is small. The House prohibition on commemorative observances and days, however, does not preclude the Senate from using Senate measures to honor individuals, groups, and events.

In the past, the Senate Judiciary Committee has had unpublished guidelines on the consideration of commemorative legislation. These guidelines were not officially part of the committee's rules and may not be currently applicable. Past guidance restricted consideration of commemorative legislation without a minimum number of bipartisan cosponsors and prohibited commemoration of specific categories.[71]

For more information on commemorative observances and days, see CRS Report R44431, *Commemorative Days, Weeks, and Months: Background and Current Practice*, by Jacob R. Straus and Jared C. Nagel.

Federal Holidays

The United States has established 11 permanent federal holidays. They are, in the order they appear in the calendar: New Year's Day, Martin Luther King Jr.'s Birthday, Inauguration Day (every four years following a presidential election), George Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.[72] Although frequently called public or national days, these celebrations are only legally applicable to federal employees and the District of Columbia, as the states individually decide their own legal holidays.

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[68] U.S. Congress, House, "Rule XII, clause 5," *Constitution, Jefferson's Manual and Rules of the House of Representatives of the United States One Hundred Fifteenth Congress*, 114th Cong., 2nd sess., H.Doc. 114-192 (Washington: GPO, 2017), §823, pp. 631-632.

[69] U.S. Congress, House Committee on Oversight and Reform, "Committee on Oversight Rules," 116th Congress, at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/COR%20Rules%20-%20passed.pdf.

[70] U.S. Congress, House, Majority Leader Steny Hoyer, "116th Congress Legislative Protocols," at https://www.majorityleader.gov/content/116th-congress-legislative-protocols.

[71] U.S. Congress, Senate Committee on the Judiciary, "Committee Policy for the Consideration of Commemorative Measures: 106th Congress (unpublished)." Categories for which the committee has not considered requests for commemorations included 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.

[72] 5 U.S.C. §6103(a).

To create a new federal holiday, legislation is required. In recent Congresses, legislation has been introduced to create holidays such as "Cesar E. Chavez Day,"[73] or to formally establish Election Day as such.[74] Recent legislation to create a new federal holiday has suggested adding the day to the list of holidays at 5 U.S.C. §6103.

For more information on federal holidays, see CRS Report R41990, *Federal Holidays: Evolution and Current Practices*, by Jacob R. Straus.

Presidential Proclamations

On many occasions, Congress has requested that the President issue a proclamation recognizing an event or individual. Usually associated with the creation of a patriotic and national observance, statutory language requests that the President issue a proclamation each year to commemorate an event or group. For example, the National Pearl Harbor Remembrance Day statute requests that the President issue a yearly proclamation "calling on ... the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate ceremonies and activities.... "[75]

Commemorative proclamations can also be issued by Presidents without any congressional action, and have been regularly issued 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.

Nonlegislative Options

In addition to the legislative options for commemoration listed above, several nonlegislative options exist to commemorate individuals, groups, and events. These include certificates of recognition, floor speeches, and the purchasing of American flags.

Certificates of Recognition

Certificates of Recognition are "awards" given by individual Member offices to constituents or groups to acknowledge accomplishments. Members are generally free to create and distribute certificates of recognition to individuals or groups to constituents.

In the House, official funds can be used for the creation and distribution of certificates that recognize "a person who has achieved some public distinction"[76] provided that the certificates

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[73] For example, see H.Res. 130 (112th Congress); H.Res. 1524 (111th Congress); H.Res. 105 (107th Congress); and H.J.Res 356 (103rd Congress). Each measure was referred to the committee of jurisdiction and did not receive further attention in the House.

[74] For example, see H.R. 62 (107th Congress), which would have amended Title 5, *United States Code*, "to establish election day in Presidential election years as a legal public holiday.... "

[75] 36 U.S.C. §129(b). For example, President Barack Obama issued a National Pearl Harbor Remembrance Day Proclamation on December 5, 2013. For text of the proclamation, see The White House, "Presidential Proclamation—National Pearl Harbor Remembrance Day, 2013," press release, December 5, 2013, at http://www.whitehouse.gov/the-press-office/2013/12/05/presidential-proclamation-national-pearl-harbor-remembrance-day-2013.

[76] U.S. Congress, Committee on House Administration, "Certificates," *Members' Congressional Handbook*, 115th Cong., 1st sess., December 12, 2017, at https://cha.house.gov/handbooks/members-congressional-handbook#Members-Handbook-Office-Expenses-Certificates. The *Members' Congressional Handbook* defines public distinctions as achievements that "include, but are not limited to, state, regional or national recognition of some public, community or civic duty or service. Other [achievements] include acts of heroism, U.S. citizenship, high school graduations, the award of an Eagle Scout Gold Star, military academy nominations, military service (upon enlistment, promotion, and honorable discharge), emergency personnel (upon hiring, promotion, and retirement), and public education

comply with Franking Regulations and do not contain political or partisan references, solicit support of a Member's position on an issue, or advertise or endorse benefits not available to all constituents.[77] Additionally, the House Ethics Manual reminds Members that all constituents are to be treated equally, regardless of "political support, party affiliation, or campaign contributions ..." when deciding to provide assistance to constituents.[78] This would likely extend to the sending of certificates of recognition as well.[79]

In the Senate, two standing orders place restrictions on reimbursable expenses payable from a Senator's Official Office Account. S.Res. 294 (96th Congress) and S.Res. 176 (104th Congress) specifically prohibit the use of official funds for "expenses incurred for the purchase of holiday greeting cards, flowers, trophies, awards, and *certificates*" (emphasis added).[80] Further, pursuant to 39 U.S.C. §3210(a)(3)(F), the Senate Ethics Manual provides guidance that "[m]ail expressing congratulations to a person who achieved some public distinction may be franked only when the occasion involves a public distinction, rather than a personal distinction."[81]

Floor Speeches

Many Members have honored individuals and groups of constituents by giving a floor speech, and then sending copies of the *Congressional Record* to the individual or group that was honored. This activity can include a single Member or a group of Members that want to jointly honor constituent(s) either with a group of special order speeches or a series of individual—perhaps one minute—speeches.[82] To inquire about floor time for a commemorative speech, Members may contact their party's leadership.

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professionals (upon hiring, promotion, and retirement)."

[77] U.S. Congress, House Commission on Congressional Mailing Standards, *Regulations on the Use of the Congressional Frank by Members of the House of Representatives*, pp. 7-9.

[78] U.S. Congress, House, Committee on Standards of Official Conduct, *House Ethics Manual*, 110th Cong., 2nd sess. (Washington: GPO, 2008), p. 308. See also, CRS In Focus IF10489, *Congressional Franked Mail: Overview*, by William T. Egar.

[79] Ibid., p. 160. The House Ethics Manual notes, however, that "while letters of congratulations for a public distinction are frankable, other letters of congratulation, such as for years of service at a business, or retirement, are not. Under House rules, a Member may use campaign funds and resources to create and send cards, letters, and certificates of these types to constituents. However, such materials may not be produced in or sent from any House office, and may not be produced or sent using any other House resource, including office equipment or staff while on official time."

[80] U.S. Congress, Senate Committee on Rules and Administration, "Standing Orders of the Senate: Restrictions on Certain Expenses Payable or Reimbursable from a Senator's Official Office Expense Account," *Senate Manual*, 113th Cong., 1st sess., S.Doc. 113-1 (Washington: GPO, 2014), §107(2)(2), p. 193; and U.S. Congress, Senate Committee on Rules and Administration, *Senate Handbook* 111th Cong., 2nd sess. (October 2010), p. I-46; IV-11.

[81] U.S. Congress, Senate Select Committee on Ethics, *Senate Ethics Manual*, 108th Cong., 1st sess., S. Pub. 108-1 (Washington: GPO, 2003), p. 164. Examples of public distinctions include recent naturalization as an American citizen; receipt of a high school diploma by a senior citizen through an adult education program; enlistment or re-enlistment in the Armed Forces; becoming an Eagle Scout or a VFW Commander or an American Legion State Commander; being elected to a public office; becoming director of a state museum; being commissioned upon graduation from one of the U.S. Service Academies; being the recipient of a Harry S. Truman Scholarship or a Robert Byrd honor scholarship; or receiving the ''Employer of the Year'' Award presented by the President's Committee on Employment of the Handicapped.

[82] For an example in 2015, an honorific speech was given to celebrate the 129th annual Groundhog Day in Punxsutawney, PA. See http://www.gpo.gov/fdsys/pkg/CREC-2015-02-03/pdf/CREC-2015-02-03-pt1-PgH710-9.pdf.

United States Flags

In 1937, a Member of Congress made the first request to fly a U.S. flag over the U.S. Capitol building. Since that time, the Architect of the Capitol (AOC) has managed the flag program for the House and Senate.

Generally, U.S. flags flown over the Capitol can be purchased by a constituent through his or her Representative's or Senator's offices. In both the House and Senate, the Member office collects flag requests from constituents and facilitates the purchase of flags from the House or Senate office supply store and coordinates with the Architect of the Capitol for the flying of flags over the Capitol building.

For more information on the Architect of the Capitol's flag program, see http://www.aoc.gov/trades-and-areas-practice/capitol-flag-program.

House of Representatives

Members may obtain flags from the Office Supply Service (OSS). According to the House of Representatives *Members' Congressional Handbook*,

> initially, the costs of the flags will be charged to the [Member Representational Allowance] MRA. Once payment for a flag is received by the Member office, the office may submit the check to OSS. OSS will credit the MRA. If a request is made to have a U.S. flag flown over the Capitol, an additional flag flying fee must be paid by the individual purchasing the flag.[83]

Additionally, Members may use official funds to pay for a flag flown over the Capitol that will be used for an official gift.[84]

For more information on the House of Representatives flag program, see https://housenet.house.gov/campus/service-providers/aoc-flag-office.

Senate

Senators may obtain flags from the Senate Stationary Room. Senators collect the cost of the flag, shipping fees, and flag flying and certification fees from the constituent, obtain the flag from the stationary room, and then work with the Packaging and Flags division of the Printing, Graphics, and Direct Mail (PG&DM) office to arrange for the flag to be flown over the Capitol.[85] Additionally, pursuant to S.Res. 294 (96th Congress), "Senate offices can use official funds to purchase flags. The legislation limits the groups to which a gift of a flag may be made to public organizations only, such as churches, schools, and patriotic service groups."[86]

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[83] U.S. Congress, Committee on House Administration, "Flags," *Members' Congressional Handbook*, 115th Cong., 1st sess., March 16, 2017, at https://cha.house.gov/handbooks/members-congressional-handbook#Members-Handbook-Office-Expenses-Flags. For more information on the Member Representational Allowance (MRA), see CRS Report R40962, *Members' Representational Allowance: History and Usage*, by Ida A. Brudnick.

[84] Ibid., at https://cha.house.gov/handbooks/members-congressional-handbook#Members-Handbook-Office-Expenses-Gifts.

[85] U.S. Congress, Senate, Committee on Rules and Administration, *Senate Handbook*, 111th Cong., 2nd sess., October 2010, pp. I-42–I-43.

[86] Ibid., p. I-44. S.Res. 294 (96th Congress) was amended by S.Res. 176 (104th Congress). Further, "the legislative history of S.Res. 294 limits the groups to which a gift of a flag may be made to public organizations only, such as churches, schools, and patriotic service groups." For more information see, U.S. Congress, Senate, Select Committee on Ethics, *Senate Ethics Manual*. 108th Cong., 1st sess., S. Pub. 108-1 (2003), p. 173, at http://www.ethics.senate.gov/public/index.cfm/files/serve?File_id=f2eb14e3-1123-48eb-9334-8c4717102a6e.

For more information on the Senate flag program, see http://webster.senate.gov/pdgm/flag-packaging-services.

Author Information

Jacob R. Straus, Coordinator
Specialist on the Congress

Garrett Hatch
Specialist in American National Government

Michelle D. Christensen
Analyst in Government Organization and Management

Valerie Heitshusen
Specialist on Congress and the Legislative Process

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