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SENATE

{ REPORT
105-210

MARTIN LUTHER KING, JR., MEMORIAL IN THE NATION'S CAPITAL

JUNE 10, 1998.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany S.J. Res. 41]

The Committee on Energy and Natural Resources, to which was referred the joint resolution (S.J. Res. 41) approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital, having considered the same, reports favorably thereon without amendment and recommends that the joint resolution do pass.

PURPOSE OF THE MEASURE

The purpose of S.J. Res. 41 is to approve the location of a Martin Luther King, Jr., memorial in Area I of the District of Columbia or its environs.

BACKGROUND AND NEED

Dr. Martin Luther King, Jr., the central figure of the Civil Rights movement, was a man who strove to advance the cause of equality for all Americans. Dr. King dedicated himself through nonviolent means to promote the principles of justice and equality and who paid the ultimate price for his beliefs. Dr. King has had a profound effect on all Americans which will continue through history.

Section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333) authorized the Secretary of the Interior to permit the Alpha Phi Alpha Fraternity to establish a memorial on Federal Lands in the District of Columbia consistent with the requirements of the Commemorative Works Act (Public Law 99-652). Alpha Phi Alpha will coordinate funding and the design of the memorial, which will be funded entirely through private donations, at no cost to the public.

The Alpha Phi Alpha Fraternity requested that the Martin Luther King, Jr. Memorial be located in Area I, the monumental core area. Under the Commemorative Works Act, if a memorial is to be sited in Area I, the Secretary of the Interior must notify Congress that he finds the proposed commemorative work to be of “pre-eminent historical and lasting significance to the Nation.” Congress must then pass a resolution approving the siting of the memorial in Area I within 150 days after receiving the Secretary’s recommendations, otherwise it is deemed disapproved.

On January 29, 1998, the Acting Secretary of the Interior for Fish and Wildlife and Parks transmitted a letter to Congress recommending that the Martin Luther King, Jr. memorial be located in Area I. The 150-day approval period expires on July 24, 1998.

LEGISLATIVE HISTORY

S.J. Res. 41 was introduced by Senators Sarbanes and Warner on February 23, 1998 and referred to the Committee on Energy and Natural Resources. Since the bill’s introduction, the following co-sponsors have been added: Senators Landrieu, Cleland, Abraham, Robb, and Kennedy.

The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S.J. Res. 41 on March 24, 1998.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 13, 1998, by a unanimous vote of a quorum present, recommends that the Senate pass S.J. Res. 41. The rollcall vote on reporting the measure was 20 yeas, 0 nays, as follows:

Yeas: Mr. Murkowski, Mr. Domenici, Mr. Nickles,¹ Mr. Craig, Mr. Campbell, Mr. Thomas, Mr. Kyl, Mr. Grams,¹ Mr. Smith, Mr. Gorton, Mr. Burns,¹ Mr. Bumpers, Mr. Ford, Mr. Bingaman, Mr. Akaka, Mr. Dorgan,¹ Mr. Graham,¹ Mr. Wyden, Mr. Johnson, and Ms. Landrieu.

SUMMMARY OF S.J. RES. 41

S.J. Res. 41 approves the location of the proposed Martin Luther King, Jr., Memorial, authorized by the Omnibus Parks and Public Lands Management Act of 1996, in Area I as provided under the Commemorative Works Act.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate for this measure has been provided by the Congressional Budget Office:

¹ Indicates voted by proxy.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 20, 1998.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S.J. Res. 41, a joint resolution approving the location of a Martin Luther King Jr., Memorial in the Nation's Capital.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

S.J. Res. 41—A joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital

CBO estimates that enacting S.J. Res. 41 would have no impact on the federal budget. Because the resolution would not affect revenues or direct spending, pay-as-you-go procedures would not apply. S.J. Res. 41 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would not affect the budgets of state, local, or tribal governments.

S.J. Res. 41 would approve the location recommended by the Secretary of the Interior for the Martin Luther King, Jr., Memorial. Construction of the memorial (with nonfederal funds) was authorized by the Omnibus Parks and Public Lands Management Act of 1996.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S.J. Res. 41. S.J. Res. 41 is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any additional paperwork would result from enactment of S.J. Res. 41, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 14, 1998, the Committee on Energy and Natural Resources received a legislative report from the Department of the Interior and the Office of Management and Budget setting forth agency recommendations on S.J. Res. 41. The legislative report and the Department of the Interior's transmittal letter for S.J. Res. 41 follow:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY.
Washington, DC, January 29, 1998.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Public Law 104-333, Section 508, 110 STAT. 4157, (1966), authorized the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia pursuant to the Commemorative Work Act, 40 U.S.C. §§ 1001-1010 (1994 & Supp. I 1995).

The Alpha Phi Alpha Fraternity has requested that the memorial be located in Area I, the area comprising the central Monumental Core of the District of Columbia and its environs, which is defined in section 1002(e) of the Commemorative Works Act by a referenced map. Section 1006(a) of that Act provides that the Secretary of the Interior, after consultation with the National Capital Memorial Commission, may recommend locating a commemorative work in Area I only if the Secretary determines that the subject of the memorial is of preeminent historical and lasting significance to the Nation. If a determination of preeminence and lasting significance is made, this section further provides that the Secretary shall notify the Congress and recommend that the memorial be located in Area I.

Following its public meeting on July 29, 1997, the National Capital Memorial Commission advised me that Dr. King, the central figure of the Civil Rights movement, a man who strove to advance the cause of equality for all Americans, and a man who dedicated himself through nonviolent means to promote the principles of justice and equality, who paid the ultimate price for his beliefs, has had a profound effect on all Americans which will continue through history.

I have considered the advice and find the subject to be of preeminent historical and lasting significant to the Nation. The Alpha Phi Alpha Fraternity should be granted the authority to consider locations within Area I as potential sites for the memorial to Martin Luther King, Jr.

In accordance with section 1006(a) of the Act, notice is hereby given that I have, through my designee, consulted with the National Capital Memorial Commission, and recommend that the memorial be authorized a location within Area I. Under section 1006(a) of that Act, my recommendation to locate this memorial in Area I shall be deemed disapproved unless, not later than 150 days after this notification, the recommendation is approved by law.

No sites have been considered in advance of this recommendation. Enclosed is a draft of a joint resolution to authorize location of this memorial in Area I. We recommend that it be referred to the appropriate Committee for consideration.

The Office of Management and Budget has advised that there is no objection to the enactment of the enclosed draft joint resolution from the standpoint of the Administration's program.

Sincerely,

DAN BARRY,
*Acting Assistant Secretary for
Fish and Wildlife and Parks.*

Enclosure.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, May 13, 1998.

Hon. FRANK H. MURKOWSKI,
*Chairman, Committee on Energy and Natural Resources,
Senate Dirksen Office Building,
Washington, DC.*

DEAR MR. CHAIRMAN: On Wednesday, May 13, the Committee is scheduled to mark up S.J. Res. 41, a bill to authorize the location of a proposed memorial to Martin Luther King, Jr., in Area I of the District of Columbia or its environs. The Department strongly supports S.J. Res. 41.

Congress enacted and the President approved legislation authorizing the Alpha Phi Alpha Fraternity to establish this memorial on federal lands in the District of Columbia or its environs on November 12, 1996. The Commemorative Works Act of 1986 sets forth strict requirements for locating a memorial in the central monumental core of the Capital City, which is designated as "Area I." The primary requirement stipulates that the Secretary must find that the subject of the memorial is of preeminent historical and lasting significance to the Nation.

The National Capital Memorial Commission met on July 29, 1997, and unanimously endorsed this proposal to the Secretary of the Interior. As a key figure in the Civil Rights movement, Dr. King strove to advance the cause of equality for African Americans as well as instill in all Americans the great promise of this Nation for a better life. The Secretary has determined that the Alpha Phi Alpha Fraternity, of which Dr. King was a member, should be granted the authority to consider locations within Area I as potential sites for this memorial.

Under section 6 of the Commemorative Works Act, the location will be deemed disapproved unless "approved by law" within 150 calendar days from notification to the Congress by the Secretary of his recommendation of Area I. The time period for approval expires July 24, 1998. The Department, therefore, urges timely and favorable action on S.J. Res. 41.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

NANCY K. HAYES,
*Acting Assistant Secretary for
Fish and Wildlife and Parks.*

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S.J. Res. 41, as ordered reported.

