

EXTEND AUTHORITY FOR CONSTRUCTION OF MARTIN
LUTHER KING, JR., MEMORIAL

JULY 14, 2003.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1209]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1209) to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1209 is to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia.

BACKGROUND AND NEED FOR LEGISLATION

The Omnibus Parks and Public Lands Management Act of 1996 (PL 104-333) authorized the Alpha Phi Alpha Fraternity, Inc. to establish a foundation to manage the fundraising and design of a memorial to Dr. Martin Luther King, Jr. to be located in the District of Columbia. The fraternity has accomplished both tasks by launching the Martin Luther King, Jr. National Memorial Foundation Fund and developing an appropriate design. However, the fraternity needs more time to secure the necessary funds to complete the project. The legislation would extend the authorization from November 2003 to November 12, 2006.

COMMITTEE ACTION

H.R. 1209 was introduced on March 11, 2003, by Congresswoman Diane Watson (D-CA). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On June 11, 2003, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Recreation and Public Lands was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 16, 2003.

Hon. RICHARD POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1209, a bill to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia.

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

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 1209—A bill to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia

H.R. 1209 would extend until November 12, 2006, the authority to construct a memorial to Martin Luther King, Jr., on federal lands in Washington, D.C. The extension would give the Alpha Phi Alpha Fraternity, Inc. (the site's sponsor) an additional three years to obtain the necessary funds and complete the project. Under current law, authority to construct the site will expire on November 12, 2003.

Because the prospective memorial is to be established with non-federal funds, extending the authority to build it would not affect the federal budget. Enacting the legislation would not affect direct spending or revenues.

H.R. 1209 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**SECTION 508 OF THE OMNIBUS PARKS AND PUBLIC
LANDS MANAGEMENT ACT OF 1996**

SEC. 508. MEMORIAL TO MARTIN LUTHER KING, JR.

(a) **IN GENERAL.**—The Secretary of the Interior is authorized to permit the Alpha Phi Alpha Fraternity to establish a memorial on lands under the administrative jurisdiction of the Secretary in the District of Columbia or its environs to honor Martin Luther King, Jr., pursuant to **the Commemorative Works Act (40 U.S.C. 1001 et seq.)** *chapter 89 of title 40, United States Code.*

COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code. Notwithstanding section 8903(e) of such title, the authority provided by this section expires November 12, 2006.

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(d) **DEPOSIT OF EXCESS FUNDS.**—If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in **section 8(b) of the Commemorative Works Act** *section 8906(b) of title 40, United States Code*), or upon expiration of the authority for the memorial under **section 10(b) of that Act** *subsection (b)*, there remains a balance of funds received for the establishment of the memorial, the Alpha Phi Alpha Fraternity shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in **section 8(b)(1) of that Act** *section 8906(b) of such title.*