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MARTIN LUTHER KING, JR. MEMORIAL

JULY 11, 2003.—Ordered to be printed

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

R E P O R T

[To accompany S. 470]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 470) to extend the authority for the construction of a memorial to Martin Luther King, Jr., having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333, as amended) is amended to read as follows:

"(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—

"(1) Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.

"(2) Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.".

PURPOSE OF THE MEASURE

The purpose of S. 470 is to extend the authority for the construction of a memorial to Martin Luther King, Jr. for an additional three years.

BACKGROUND AND NEED

Section 508 of the Omnibus Parks and Public Lands Act (40 U.S.C. 8903 note; Public Law 104–333) authorized the establishment of a memorial to honor Martin Luther King, Jr. pursuant to the Commemorative Works Act. Section 10(b) of the Commemorative Works Act (which has since been enacted as positive law and recodified as 40 U.S.C. 8903(e)) provides that legislative authority

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for a commemorative work expires seven years after the date of enactment of the original authorization unless a construction permit for the commemorative work has been issued.

Much progress has been made toward establishing the Memorial. Congress has authorized placement of the Memorial within Area I (Public Law 105–201), and a site on the northwest side of the Tidal Basin has been approved. A design has been chosen and pledges have been received for about a quarter of the funds needed to build the Memorial.

Nonetheless, the Martin Luther King, Jr. National Memorial Project Foundation, Inc., the organization responsible for establishing the memorial, will not be able to begin construction by November 12, 2003, as required by the Commemorative Works Act. This legislation is needed to give the Foundation an additional three years to raise the funds needed to begin construction.

LEGISLATIVE HISTORY

S. 470 was introduced by Senators Sarbanes, Warner, Mikulski, Lugar, and Durbin on February 27, 2003. The Subcommittee on National Parks held a hearing on S. 470 on June 3, 2003.

At the business meeting on June 25, 2003, the Committee on Energy and Natural Resources ordered S. 470, as amended, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 25, 2003, by unanimous vote of a quorum present, recommends that the Senate pass S. 470, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 470, the Committee adopted an amendment in the nature of a substitute. The substitute clarifies the intent of the bill.

SECTION-BY-SECTION ANALYSIS

Section 1 amends section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 to extend the authority for the construction of a memorial to Martin Luther King, Jr., for an additional 3 years, to November 12, 2006.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 27, 2003.

Hon. PETE V. DOMENICI,
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. 470, a bill to extend the au-

thority 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,

PETER H. FONTAINE
(For Douglas Holtz-Eakin, Director).

Enclosure.

S. 470—A bill to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia

S. 470 would extend until November 12, 2006, the authority to construct a memorial to Martin Luther King, Jr., on federal lands in Washington, DC. 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 nonfederal funds, extending the authority to build it would not affect the federal budget. Enacting the legislation would not affect direct spending or revenues.

S. 470 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.

On June 16, 2003, CBO transmitted a cost estimate for H.R. 1209, a similar bill that was ordered reported by the House Committee on Resources on June 11, 2003. The CBO cost estimates for the two bills are identical.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, 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. 470. The bill 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 the enactment of S. 470, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 12, 2003, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 470. These reports had not been received at the time the report on S. 470 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF P. DANIEL SMITH, SPECIAL ASSISTANT TO THE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 470, a bill that would grant a three-year extension of the legislative authority for construction of the memorial to Martin Luther King, Jr., in Washington, D.C.

The Department supports this legislation. We believe it is wholly appropriate for Congress to grant more time to the Martin Luther King, Jr. National Memorial Project Foundation, Inc., the organization responsible for establishing the memorial, to raise the funds necessary to build what we believe will be a fitting tribute to the man who is recognized as the preeminent leader of the American civil rights movement of the 20th Century.

The authorization to establish the Martin Luther King, Jr. Memorial was enacted on November 12, 1996, as Public Law 104–333. Under the Commemorative Works Act of 1986, authorizations for memorials expire at the end of the seven-year period after an authorization is enacted, unless a construction permit for the memorial has been issued. The Foundation does not expect to have raised the necessary funds to receive the construction permit by November 12, 2003. Therefore, the authorization for the memorial will expire on the date unless it is extended by law.

Much progress has been made toward establishing the Martin Luther King, Jr. Memorial since it was authorized in 1996. In 1998, an "Area I" authorization was enacted. Area I authorizations are joint resolutions that Congress must pass deeming a subject matter of "preeminent historical and lasting significance to the Nation" in order for a memorial to be built in the area designated as Area I under the Commemorative Works Act. Area I, the heart of the monumental core, encompasses the National Mall and Tidal Basin areas.

In 1999, a site for the memorial, on the northwest side of the Tidal Basin, was approved by the Secretary of the Interior, the National Capital Planning Commission, and the Commission of Fine Arts. A competition was held and a design concept for the memorial was chosen from the approximately 900 entries submitted. Currently, the Foundation is preparing an environmental assessment, which is necessary for final approval of the design. It is expected to be released for public comment shortly. In the meantime, the Foundation is actively engaged in fundraising for the memorial. Foundation representatives told the National Capital Memorial Commission recently that they have received pledges for about $25 million of the approximately $100 million needed and intend to raise the balance in the next three years.

Extensions of legislative authority have been granted before for other memorial projects. Memorials authorized to be constructed in the Nation's Capital must go through time-consuming procedural steps. If they are relatively large memorials, as the Martin Luther King, Jr. Memorial will be, raising the necessary funds is often a daunting challenge. Three recently constructed memorials—Women in Military Service for America, World War II and George Mason—were granted time extensions. Three authorized but not yet constructed memorials—Black Revolutionary War Patriots, Thomas Paine, and Victims of Commission—were granted extensions similar to that proposed under S. 470.

Establishing a sunset clause for memorial projects has been a policy of the Congress for more than 60 years. This policy ensures that memorial sites will not be held indefinitely if, for funding or other reasons, the sponsors of a memorial are not able to build it. Nevertheless, the granting of at least one extension to the initial authorization has precedent, particularly in those circumstances when a memorial sponsor has taken the time required to obtain an Area I authorization.

Mr. Chairman, that concludes my testimony and I would be happy to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 470, as ordered 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):

Public Law 104–333 as amended by Public Law 106–176

AN ACT To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

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

(a) IN GENERAL.—

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[(b) 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.—

(1) Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.

(2) Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.

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