

The original documents are located in Box 66, folder “10/19/76 S64 Lincoln National Memorial” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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8 10/19/76

APPROVED
OCT 19 1976

THE WHITE HOUSE
WASHINGTON
October 14, 1976

ACTION

Last Day: October 19

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *J.C.*
SUBJECT: S. 64 - Lincoln National Memorial

Attached for your consideration is S. 64, sponsored by Senator Stevens and three others.

The enrolled bill would direct the Secretary of the Interior to undertake a study and make appropriate recommendations for recognizing the States of Alaska and Hawaii at the Lincoln National Memorial. The bill also provides that the Secretary's recommendations shall be submitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives and shall be subject to disapproval of either committee within 60 days.

The Department of Justice and the Office of Management and Budget have both recommended disapproval of the bill because of the inclusion of the so-called "one-committee veto provision". Justice asserts that such a provision, providing for the disapproval of Executive action by Congressional committees, violates the fundamental principles of the separation of powers prescribed by Articles I and II of the Constitution and points to a long line of Presidential vetoes of legislation containing this kind of requirement.

Additional information is provided in OMB's enrolled bill report at Tab A.

Agency Recommendations

The Department of the Interior and the Advisory Council on Historic Preservation recommend that you sign the enrolled bill. The Commission of Fine Arts and the National Capital Planning Commission have no objection.

The Department of Justice and OMB recommend that you disapprove the enrolled bill because of the "one-committee veto provision".

*Posted
10/20/76*

*archival
10/20/76*



Staff Recommendations

The Counsel's Office (Lazarus) recommends that you veto S. 64.

Jack Marsh and Max Friedersdorf recommend that you sign S. 64. Max indicates that "a veto would not be understood in Alaska and Hawaii."

Recommendation

I recommend that you sign S. 64.

Decision

Sign S. 64 at Tab B.

Veto S. 64 and sign Memorandum of Disapproval at Tab C which has been cleared by Doug Smith.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 12 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 64 - Lincoln National Memorial
Sponsor - Sen. Stevens (R) Alaska and 3 others

Last Day for Action

October 19, 1976 - Tuesday

Purpose

Provides for the recognition of the States of Alaska and Hawaii at the Lincoln National Memorial, and allows for a one-committee veto of certain actions planned by the Secretary of the Interior.

Agency Recommendations

Office of Management and Budget	Disapproval
Department of Justice	Disapproval (Memorandum of Disapproval attached)
Commission of Fine Arts	No objection
National Capital Planning Commission	No objection
Department of the Interior	Approval
Advisory Council on Historic Preservation	Approval

Discussion

S. 64 would direct the Secretary of the Interior to study the feasibility of and make recommendations for the recognition of the addition to the Union of the States

of Alaska and Hawaii at the Lincoln National Memorial. The enrolled bill would require that the Secretary's recommendations be reviewed and approved by the Commission of Fine Arts, the National Capital Planning Commission, and the Advisory Council on Historic Preservation. The bill would authorize appropriations of not more than \$20,000 to be available on or after October 1, 1977.

S. 64 would also require that the Secretary's recommendations, after being approved by the agencies noted above, be submitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives. If either committee adopts a resolution disapproving such recommendations within 60 days, not counting days on which either House has adjourned for more than 3 consecutive days, the Secretary's recommendations would have no effect.

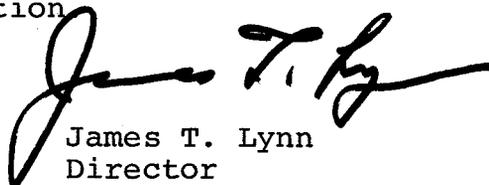
The one-committee veto provision was added to the bill during House Interior Committee markup late last month and the amended bill was passed by unanimous consent in both Houses shortly before adjournment. In its report on S. 64, the House Interior Committee argued that the one-committee veto provision was added to provide "...total assurance that the action undertaken will be reasonable in cost and in keeping with the design and beauty of this national treasure."

In its attached enrolled bill letter, Justice strongly recommends disapproval, as it states that:

"It has been established by a long line of Presidential vetoes, beginning with President Wilson's disapproval of the Legislative, Executive, and Judicial Appropriations Bill, 1921, and by formal opinions of Attorneys General (37 Op. A.G. 56 (1933); 40 Op. A.G. 230 (1955); 40 Op. A.G. 300 (1958) that legislation providing for the disapproval of Executive action by Congressional Committees violates the fundamental principles of the separation of powers prescribed in Articles I

and II of the Constitution. To paraphrase the statement made by Attorney General William D. Mitchell in 1933, if a committee veto is of an executive or judicial nature, a Committee of Congress clearly cannot execute it, and if it is a legislative function, it is equally clear that it can be performed only by Congress as a whole and not by a Committee of it."

We concur in the Justice recommendation that you veto S. 64 and in the Memorandum of Disapproval prepared by Justice for your consideration.

A handwritten signature in black ink, appearing to read "James T. Lynn", written in a cursive style.

James T. Lynn
Director

Enclosures

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

708 JACKSON PLACE, N.W.
WASHINGTON

5 October, 1976

Dear Mr. Frey:

The Commission of Fine Arts has no objection to the enactment of S.64, an act to provide for the recognition of the States of Alaska and Hawaii at the Lincoln National Memorial.

Sincerely yours,



Charles H. Atherton
Secretary

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Advisory Council on
Historic Preservation
1522 K Street N.W.
Washington, D.C. 20005

October 6, 1976

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

This is in response to your request of October 5 for the recommendations of the Advisory Council on Historic Preservation on enrolled bill S. 64, "An Act to provide for the recognition of the States of Alaska and Hawaii at the Lincoln National Memorial, and for other purposes."

The Advisory Council recommends favorable action on this legislation.

In our letter to you of March 18, 1976, copy enclosed, the Advisory Council endorsed enactment of S. 64 contingent upon incorporation of the Department of the Interior's recommendations for amending the bill. As passed by the Congress, S. 64 incorporates the Department's recommendations and thus the Council recommends that the bill be signed into law. Upon approval, the Council would be pleased to cooperate with the Department of Interior in fulfilling its responsibilities as provided in this legislation.

Thank you for providing the Advisory Council with an opportunity to present its views on this matter.

Sincerely yours,



Kenneth C. Tapman
Legal Counsel

Enclosure



NATIONAL CAPITAL PLANNING COMMISSION

1325 G Street, N.W.
Washington, D. C. 20576



October 6, 1976

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Dear Mr. Frey:

Reference is made to your request for our views and recommendations on S. 64, an enrolled bill "To provide for the recognition of the States of Alaska and Hawaii at the Lincoln National Memorial, and for other purposes."

There is no objection on our part to the approval of this legislation by the President.

Sincerely yours,

A handwritten signature in black ink that reads "Donald F. Bozarth".

Donald F. Bozarth
Acting Executive Director



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 7 - 1976

Dear Mr. Lynn:

This responds to your request for our views on the enrolled bill S. 64, "To provide for the recognition of the States of Alaska and Hawaii at the Lincoln National Memorial, and for other purposes."

We recommend that the President approve this enrolled bill.

Enrolled bill S. 64 would authorize and direct the Secretary of the Interior to study the feasibility and make recommendations for the addition of commemoration of the States of Alaska and Hawaii at the Lincoln National Memorial. After review and approval by the Commission of Fine Arts, the National Capital Planning Commission, and the Advisory Council on Historic Preservation, such recommendations shall be submitted to the Committees on Interior and Insular Affairs of both Houses of Congress. If, after 60 legislative days neither Committee has adopted a resolution of disapproval, the Secretary is authorized and directed to carry out such recommendations. There is authorized to be appropriated \$20,000 to carry out the purposes of S. 64.

Pursuant to a 1911 Act authorizing the erection of a memorial to President Lincoln, a design was developed and approved for incorporating the names of 48 States and their dates of admission, into the memorial. We believe it would be appropriate to add the names and dates of admission for the States of Alaska and Hawaii as well.

Accordingly, we recommend that the President approve enrolled bill S. 64.

Sincerely yours,

Assistant Secretary of the Interior

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503



Department of Justice
Washington, D.C. 20530

October 12, 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

In compliance with your request I have examined a facsimile of the enrolled bill S. 64 "To provide for the recognition of the States of Alaska and Hawaii at the Lincoln National Memorial, and for other purposes."

The bill would authorize and direct the Secretary of the Interior to study the feasibility of and make recommendations providing appropriate commemoration at the Lincoln National Memorial of the addition of the States of Alaska and Hawaii to the Union. Those recommendations would be reviewed by the Commission of Fine Arts, the National Capital Planning Commission, and the Advisory Council on Historic Preservation. If approved by those agencies, the Secretary's recommendations would be submitted to the Committees on Interior and Insular Affairs of the Senate and House of Representatives. The Secretary would be authorized and directed to carry out those recommendations, if within sixty days following their receipt neither Committee should adopt a resolution of disapproval.

In view of the provision of the bill subjecting the action of the Secretary of the Interior to disapproval by either Committee on Interior and Insular Affairs, the Department of Justice recommends against Executive approval of the bill.

It has been established by a long line of Presidential vetoes, beginning with President Wilson's disapproval of the Legislative, Executive, and Judicial Appropriations Bill, 1921,

and by formal opinions of Attorneys General (37 Op. A.G. 56 (1933); 40 Op. A.G. 230 (1955); 40 Op. A.G. 300 (1958) that legislation providing for the disapproval of Executive action by Congressional Committees violates the fundamental principles of the separation of powers prescribed in Articles I and II of the Constitution. To paraphrase the statement made by Attorney General William D. Mitchell in 1933, if a committee veto is of an executive or judicial nature, a Committee of Congress clearly cannot execute it, and if it is a legislative function, it is equally clear that it can be performed only by Congress as a whole and not by a Committee of it.

As recently as June 30, 1976, in the signing statement of the Foreign Assistance Appropriation Act, Public Law 94-330, President Ford pointed to the unconstitutionality of provisions subjecting Executive action to Committee disapproval. He signed the bill only because he concluded that those provisions while invalid were severable from the rest of the legislation. 12 Weekly Publication of Presidential Documents 1104.

Sincerely,



Michael M. Uhlmann
Assistant Attorney General
Office of Legislative Affairs



MEMORANDUM OF DISAPPROVAL

I am withholding my approval from S. 64 "To provide for the recognition of the States of Alaska and Hawaii at the Lincoln National Memorial and for other purposes."

The bill would provide for an appropriate commemoration at the Lincoln National Memorial of the addition to the Union of the States of Alaska and Hawaii subsequent to the completion of the Memorial. I fully agree with the purposes of the bill.

Unfortunately, however, the bill contains a provision which would subject the action of the Secretary of the Interior authorized by this legislation to the disapproval of two Congressional Committees. I have pointed out as recently as July 1, 1976 in my signing statement on the Foreign Assistance Appropriations Bill, that such provisions violate the fundamental doctrine of the separation of powers. Almost every President since President Wilson, under whose administration this problem first arose, saw himself compelled to disapprove legislation for that reason.

In the Foreign Assistance Appropriations Bill this problem affected a collateral point which could be considered severable from an otherwise valid exercise of legislative authority. Here, the unconstitutional part of the bill goes to the very heart of the legislation.

I therefore cannot approve the bill and strongly recommend that the next Congress will pass pertinent legislation which does not suffer from this constitutional infirmity.

THE WHITE HOUSE,

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 12

Time: 830pm

FOR ACTION:

art Queen sign
Dick Parsons *veto*
Max Friedersdorf *orig (comments)*
Bobbie Kilberg *veto (comments)*
Robert Hartmann *on*

cc (for information):

Jack Marsh
Ed Schmults
Steve McConahey *dy*

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 500pm

SUBJECT:

S.64-Lincoln National Memorial

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

Date: October 12

Time: 830pm

FOR ACTION: Dick Parsons
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann

cc (for information): Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 500pm

SUBJECT:

S.64-Lincoln National Memorial

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommend veto. However, it should be noted that the Foreign Assistance Appropriation bill of June 30, 1976 which is cited in the draft memorandum for disapproval is not the latest legislative item which was vetoed because of legislative encroachment. My recollection is that the latest measure vetoed on this basis was H.R. 5446 - International Navigational Rules Act of 1976.

K.L.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Cannon
For the Preside

I have withheld my approval from S. 64 "To provide for the recognition of the States of Alaska and Hawaii at the Lincoln National Memorial, and for other purposes."

The bill would provide for an appropriate commemoration at the Lincoln National Memorial of the addition to the Union of the States of Alaska and Hawaii subsequent to the completion of the Memorial. I fully agree with the purposes of the bill.

Unfortunately, however, the bill contains a provision which would subject the action of the Secretary of the Interior authorized by this legislation to the disapproval of two Congressional Committees. I have pointed out as recently as in my signing statement of the Foreign Assistance Appropriations Bill of ~~July 30~~ June 30, 1976, that such provisions violate the fundamental doctrine of the separation of powers. Almost every President since President Wilson, under whose administration this problem first arose, saw himself compelled to disapprove legislation for that reason.

In the Foreign Assistance Appropriations Bill this problem affected a collateral point which could be considered severable from an otherwise valid exercise of legislative authority. Here, the unconstitutional part of the bill goes to the very heart of the legislation.

W. Combs
Y12, P1104

X

OK
CH/24

I therefore cannot approve the bill and strongly recommend that the next Congress will pass pertinent legislation which does not suffer from this constitutional infirmity.

THE WHITE HOUSE

MEMORANDUM

WASHINGTON

LOG NO.: 8

Date: October 12

Time: 830pm

FOR ACTION: Dick Parsons
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann

cc (for information): Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 500pm

SUBJECT:

S.64-Lincoln National Memorial

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Recommend Approval. Veto
will not be understood in
Alaska + Hawaii.*

Muf

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE
WASHINGTON

with respect to Ken Lazarus' comment
on Memorandum of Disapproval:

Memorandum compares this bill with
For.Assis, both containing "one-
committee veto provisions". H.R.
5446 contained "one-house veto
provision".

Judy Johnston 10/14

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 8

Date: October 12

Time: 830pm

FOR ACTION: Dick Parsons
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann

cc (for information): Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 500pm

SUBJECT:

S.64-Lincoln National Memorial

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommend veto. However, it should be noted that the Foreign Assistance Appropriation bill of June 30, 1976 which is cited in the draft memorandum for disapproval is not the latest legislative item which was vetoed because of legislative encroachment. My recollection is that the latest measure vetoed on this basis was H.R. 5446 - International Navigational Rules Act of 1976.

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If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Cannon
For the President

THE WHITE HOUSE
WASHINGTON

Note: Foreign Assistance Bill
signed on June 30, 1976. signing
statement date is July 1, 1976.

Judy Johnston 10/14

MEMORANDUM OF DISAPPROVAL

OK

OK/CHZ

I have withheld my approval from S. 64 "To provide for the recognition of the States of Alaska and Hawaii at the Lincoln National Memorial, and for other purposes."

The bill would provide for an appropriate commemoration at the Lincoln National Memorial of the addition to the Union of the States of Alaska and Hawaii subsequent to the completion of the Memorial. I fully agree with the purposes of the bill.

Unfortunately, however, the bill contains a provision which would subject the action of the Secretary of the Interior authorized by this legislation to the disapproval of two Congressional Committees. I have pointed out as recently as in my signing statement ~~of the Foreign Assistance Appropriations Bill~~ on July 1, 1976, that such provisions violate the fundamental doctrine of the separation of powers. Almost every President since President Wilson, under whose administration this problem first arose, saw himself compelled to disapprove legislation for that reason.

In the Foreign Assistance Appropriations Bill this problem affected a collateral point which could be considered severable from an otherwise valid exercise of legislative authority. Here, the unconstitutional part of the bill goes to the very heart of the legislation.

X

- W. Comps
v12, p1104

OK
CHN

I therefore cannot approve the bill and strongly recommend that the next Congress will pass pertinent legislation which does not suffer from this constitutional infirmity.

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 12

Time: 830pm

FOR ACTION: Dick Parsons
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann

cc (for information): Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 500pm

SUBJECT:

S.64-Lincoln National Memorial

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

For Your Comments

___ Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

10/13 - copy sent for researching. nm
10/13 - Researched copy returned. nm

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the Preside

THE WHITE HOUSE

10/13/76 - 8:50 am

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 12

Time: 830pm

CHM OF CHM

FOR ACTION:

Dick Parsons
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann

cc (for information):

Jack Marsh
Ed Schmults
Steve McConahey

70 DJS
10/13/76
3:30 ppp

To Res. 10/13 11:04

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 500pm

SUBJECT:

S.64-Lincoln National Memorial

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

For Your Comments

___ Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the Preside

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

OCT 13 1976

Date: October 12

Time: 830pm

FOR ACTION:

Dick Parsons
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann

cc (for information):

Jack Marsh ✓
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

RAR

DUE: Date: October 14

Time: 500pm

SUBJECT:

S.64-Lincoln National Memorial

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

For Your Comments

___ Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Sign the bill and
note objection in the
signing statement
JM*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

MEMORANDUM OF DISAPPROVAL

am withholding
I ~~have withheld~~ my approval from S. 64 "To provide for the recognition of the States of Alaska and Hawaii at the Lincoln National Memorial and for other purposes."

The bill would provide for an appropriate commemoration at the Lincoln National Memorial of the addition to the Union of the States of Alaska and Hawaii subsequent to the completion of the Memorial. I fully agree with the purposes of the bill.

Unfortunately, however, the bill contains a provision which would subject the action of the Secretary of the Interior authorized by this legislation to the disapproval of two Congressional Committees. I have pointed out as recently ^{as July 1, 1976} ~~as~~ in my signing statement ^{on} ~~of~~ the Foreign Assistance Appropriations Bill, ~~of June 30, 1976~~, that such provisions violate the fundamental doctrine of the separation of powers. Almost every President since President Wilson, under whose administration this problem first arose, saw himself compelled to disapprove legislation for that reason.

In the Foreign Assistance Appropriations Bill this problem affected a collateral point which could be considered severable from an otherwise valid exercise of legislative authority. Here, the unconstitutional part of the bill goes to the very heart of the legislation.

I therefore cannot approve the bill and strongly recommend that the next Congress will pass pertinent legislation which does not suffer from this constitutional infirmity.

NAMES OF THE STATES OF ALASKA AND HAWAII TO BE INSCRIBED UPON THE WALLS OF THE LINCOLN NATIONAL MEMORIAL

APRIL 5, 1976.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 64]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 64) to provide for the addition of the names of the States of Alaska and Hawaii to the list of the forty-eight States inscribed upon the walls of the Lincoln National Memorial having considered the same, reports favorably thereon with an amendment to the text, and recommends that the bill as amended do pass.

The amendments are as follows: 1. Add following the period on line 11:

Such authorization is contingent on approval of the design and plans for such inscriptions by the Commission of Fine Arts, the National Capital Planning Commission, and the Advisory Council on Historic Preservation.

2. Add a new section 2:

SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

PURPOSE OF THE MEASURE

The purpose of S. 64 is to authorize the Secretary of the Interior to inscribe the names of Alaska and Hawaii on the walls of the Lincoln Memorial with the names of the other forty-eight states in a manner and style consistent with the other states.

BACKGROUND AND NEED

The inscription on the walls of the Lincoln Memorial of the 48 States and their dates of admission into the Union was accomplished according to a design developed and approved in 1912 pursuant to a 1911 Act providing for erection of the Memorial.

S. 64 would further the purposes of the 1912 Resolution, which was designed to incorporate all the States of the Union and their dates of admission upon the walls of the Lincoln National Memorial.

LEGISLATIVE HISTORY

S. 64 was introduced by Senator Stevens on January 15, 1975. Senators Fong, Gravel and Inouye are cosponsors of the bill.

A hearing was held by the Parks and Recreation Subcommittee during the 93rd Congress on S. 903, a similar bill. S. 903 passed the Senate on December 4, 1973.

No Committee hearings were held on S. 64. During the Full Committee markup on March 23, 1976, the bill was ordered reported, amended to conform to S. 903 as it passed in the 93rd Congress. The difference between the two measures is a higher cost estimate in the current bill.

COMMITTEE RECOMMENDATION

The Senate Committee on Interior and Insular Affairs, in open business session on March 23, 1976, by a unanimous vote of a quorum present, recommends that the Senate pass S. 64 if amended, as described herein.

COMMITTEE AMENDMENT

The following is a brief explanation of the Committee amendment:

1. Following the period on line 11: Makes the authorization of the Secretary of the Interior contingent on approval of the design and plans for the inscription by the National Capital Planning Commission, the Commission of Fine Arts, and by the Advisory Council on Historic Preservation.

2. Add a new section: Section 2 would provide an appropriation authorization of such sums necessary to cover the cost of design, development and implementation of the Act.

COST AND BUDGETARY CONSIDERATIONS

In accordance with section 252(a) of the Legislative Reorganization Act of 1970, the Committee provides the following estimate of cost:

The estimated cost of the inscriptions is approximately \$20,000. It is expected that this cost would be covered in the 1977 fiscal budget.

EXECUTIVE COMMUNICATION

The pertinent legislative report received by the Committee from the Department of the Interior setting forth the Executive agency recommendation relating to S. 64 follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 29, 1976.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to the request of your Committee for the views of this Department on S. 64, a bill "To provide for the addition of the names of the States of Alaska and Hawaii to the list of the forty-eight States inscribed upon the walls of the Lincoln National Memorial."

We recommend enactment of S. 64, if amended as suggested in this report.

S. 64 directs the Secretary of the Interior to take action to inscribe on the walls of the Lincoln National Memorial, at an appropriate place and in a manner and style consistent with the existing inscriptions of the names of the 48 States, the names of the States of Alaska and Hawaii.

Pursuant to a 1911 Act providing for erection of a memorial to Abraham Lincoln, a design was developed and approved in 1912 for incorporating the names of 48 States and their dates of admission, into the memorial. We believe it would be appropriate to add the names and years of admission of the States of Alaska and Hawaii as well.

We would suggest, however, that the authorization of the Secretary to add these inscriptions should be contingent on approval of the design and plans for the inscription by the National Capital Planning Commission, the Commission of Fine Arts, and by the Advisory Council on Historic Preservation. We also recommend including an appropriation authorization in the bill.

These amendments could be accomplished by adding the following language:

1. Add following the period on line 11:

"Such authorization is contingent on approval of the design and plans for such inscriptions by the Commission of Fine Arts, the National Capital Planning Commission, and the Advisory Council on Historic Preservation."

2. Add a new section 2:

"SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

We estimate the cost of inscribing the names of the States of Alaska and Hawaii at about \$20,000.

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

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 64 as reported.

PROVIDING FOR THE ADDITION OF THE NAMES OF THE STATES OF ALASKA AND HAWAII TO THE LIST OF THE FORTY-EIGHT STATES INSCRIBED UPON THE WALLS OF THE LINCOLN NATIONAL MEMORIAL

SEPTEMBER 24, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany S. 64]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 64) to provide for the addition of the names of the States of Alaska and Hawaii to the list of the forty-eight States inscribed upon the walls of the Lincoln National Memorial, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That, for the purpose of providing appropriate commemoration at the Lincoln National Memorial of the addition of the States of Alaska and Hawaii to the Union, the Secretary of the Interior is authorized and directed to study the feasibility of and make recommendations for the recognition at an appropriate place at such memorial of the addition to the Union of the States of Alaska and Hawaii. Such recommendations shall after review and approval by the Commission of Fine Arts, the National Capital Planning Commission, and the Advisory Council on Historic Preservation be submitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives of the United States. If, at the end of sixty days (not counting days on which the Senate or the House of Representatives has adjourned for more than three consecutive days) following receipt of such recommendations, neither Committee has adopted a resolution of disapproval, the Secretary is authorized and directed to carry out said recommendations.

SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not to exceed \$20,000. No funds authorized to be appropriated pursuant to this Act shall be available prior to October 1, 1977.

Amend the title so as to read:

To provide for the recognition of the States of Alaska and Hawaii at the Lincoln National Memorial, and for other purposes.

PURPOSE

The purpose of S. 64,¹ as recommended by the Committee on Interior and Insular Affairs is to authorize and direct the Secretary of the Interior to develop recommendations for the appropriate recognition of Alaska and Hawaii at the Lincoln National Memorial in Washington, D.C.

EXPLANATION OF THE LEGISLATION

During the hearings on the proposed legislation it became evident to the Members of the Subcommittee on National Parks and Recreation that it would be premature to direct the Secretary of the Interior to inscribe the names of Hawaii and Alaska on the walls of the Lincoln Memorial without first determining what the most suitable recognition of those States might be. For that reason, the legislation has been converted into a study bill, with an appropriate opportunity for further Congressional review.

As now recommended, S. 64 directs the Secretary to review the alternatives for such recognition and forward his recommendations to the Commission on Fine Arts, the National Capital Planning Commission and the Advisory Council on Historic Preservation. After such review and approval, the Secretary is to forward his recommendations to the Committees on Interior and Insular Affairs of the Congress. Unless a resolution of disapproval is adopted within a stated time period, then the recommendation may be implemented.

The Committee recognizes that Alaska and Hawaii became states after the design and construction of the Lincoln Memorial was completed and it does not object to suitable recognition of these States at this site, but it does want total assurance that the action undertaken will be reasonable in cost and in keeping with the design and beauty of this national treasure. As amended, S. 64 should accomplish this objective.

COST, BUDGET ACT COMPLIANCE, AND INFLATIONARY IMPACT STATEMENT

To carry out the purposes of this Act, \$20,000 is authorized to be appropriated. This authorization should be adequate to cover the cost of studying the alternatives and implementing the recommendation once it is formulated and approved. If the costs are estimated to exceed this amount, further action will be required by the Congress. In light of this fact, no inflationary impact will result from the enactment of this legislation and the impact on the Federal Budget will be minimal, at most.

OVERSIGHT STATEMENT

The legislation assures an adequate opportunity for the Congress to review any actions before they become commitments; thus enhancing the oversight activities in the future. No recommendations were submitted to the Committee pursuant to Rule X, Clause 2(b) (2).

¹ A similar bill (H.R. 12403) by Representative Don Young of Alaska was also considered by the committee.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, on September 9, 1976, meeting in open session, ordered S. 64 reported to the House by a voice vote with the recommendation that the bill, as amended, be approved.

DEPARTMENTAL REPORT

The favorable report of the Department of the Interior on H.R. 12403, the companion House bill, follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 2, 1976.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to the request of your Committee for the views of this Department on H.R. 12403, a bill "To provide for the addition of the names of the States of Alaska and Hawaii to the list of the forty-eight States inscribed upon the walls of the Lincoln National Memorial."

We recommend enactment of H.R. 12403 if amended as suggested in this report.

H.R. 12403 directs the Secretary of the Interior to take action to inscribe on the walls of the Lincoln National Memorial, at an appropriate place and in a manner and style consistent with the existing inscriptions of the names of the 48 States, the names of the States of Alaska and Hawaii.

Pursuant to a 1911 Act providing for erection of a memorial to Abraham Lincoln, a design was developed and approved in 1912 for incorporating the names of 48 States and their dates of admission, into the memorial. We believe it would be appropriate to add the names and years of admission of the States of Alaska and Hawaii as well.

We would suggest, however, that the authorization of the Secretary to add these inscriptions should be contingent on approval of the design and plans for the inscription by the National Capital Planning Commission, the Commission of Fine Arts, and by the Advisory Council on Historic Preservation. We also recommend including an appropriation authorization in the bill.

These amendments could be accomplished by adding the following language:

1. Add following the period on line 11:

"Such authorization is contingent on approval of the design and plans for such inscriptions by the Commission of Fine Arts, the National Capital Planning Commission, and the Advisory Council on Historic Preservation."

2. Add a new section 2:

"Sec. 2. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

We estimate the cost of incirbing the names of the States of Alaska and Hawaii at about \$20,000.

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

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

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Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To provide for the recognition of the States of Alaska and Hawaii at the Lincoln National Memorial, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of providing appropriate commemoration at the Lincoln National Memorial of the addition of the States of Alaska and Hawaii to the Union, the Secretary of the Interior is authorized and directed to study the feasibility of and make recommendations for the recognition at an appropriate place at such memorial of the addition to the Union of the States of Alaska and Hawaii. Such recommendations shall after review and approval by the Commission of Fine Arts, the National Capital Planning Commission, and the Advisory Council on Historic Preservation be submitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives of the United States. If, at the end of sixty days (not counting days on which the Senate or the House of Representatives has adjourned for more than three consecutive days) following receipt of such recommendations, neither committee has adopted a resolution of disapproval, the Secretary is authorized and directed to carry out said recommendations.

SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not to exceed \$20,000. No funds authorized to be appropriated pursuant to this Act shall be available prior to October 1, 1977.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*