

DESIGNATION OF THE BIRTHDAY OF MARTIN LUTHER
KING, JR., AS A LEGAL HOLIDAY

OCTOBER 23, 1979.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. GARCIA, from the Committee on Post Office and Civil Service,
submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany H.R. 5461]

[Including cost estimate of the Congressional Budget Office]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 5461) to designate the birthday of Martin Luther King, Junior, a legal public holiday, having considered the same, report favorably thereon with amendments and recommended that the bill as amended do pass.

The amendments (stated in terms of the page and line numbers of the introduced bill) are as follows:

Page 1, line 5, strike out "January 1," and insert ", January 1" immediately after "Day".

Page 1, line 7, strike out "January 15, the" and insert in lieu thereof "The".

Page 1, line 8, insert ", January 15" immediately after "Junior".

EXPLANATION OF AMENDMENTS

No substantive change is made by the committee amendments. The purpose of the amendments is to conform the provisions of the bill to the style of title 5 of the United States Code.

PURPOSE

The sole purpose of H.R. 5461 is to designate the birthday of Martin Luther King, Junior, January 15 of each year, a legal public holiday.

COMMITTEE ACTION

H.R. 15, a bill similar to H.R. 5461, was introduced at the beginning of the 96th Congress by the Honorable John Conyers and was co-sponsored by 125 House Members. The bill was referred to the Census and Population Subcommittee which conducted a joint hearing with the Senate Committee on the Judiciary on March 27, 1979 (Serial No. 96-14).

The witnesses at that hearing included Andrew Young, U.S. Ambassador to the United Nations; Representative John Conyers; Mrs. Coretta Scott King, widow of Dr. King; Rev. Joseph Lowery, president of the Southern Christian Leadership Conference; Ms. Pat Brown, chairperson, National Education Association Black Caucus, and Stanley Rittenhouse, legislative aide, Liberty Lobby.

The subcommittee considered the legislation on September 20, 1979. At that time the subcommittee adopted an amendment to postpone the effective date of the legislation until 2 years after the date of enactment. Subsequently, the subcommittee, by voice vote, ordered the introduction of a clean bill reflecting the subcommittee's action. The clean bill was introduced on September 23, 1979, as H.R. 5461.

H.R. 5461, as amended, was ordered reported by voice vote of the Committee on Post Office and Civil Service on October 10, 1979.

STATEMENT

H.R. 5461 amends section 6103(a) of title 5, United States Code, by designating January 15 a legal public holiday in commemoration of the birthday of Dr. Martin Luther King, Jr. Presently, 14 States formally observe the birthday of Dr. King.

Current Federal law provides nine public holidays for Federal employees of the District of Columbia. State and local government workers, as well as private sector employees, are not directly affected by the enactment of a new public holiday. However, it is customary for private and State employers to align holiday observances with those of the Federal Government.

The committee believes that the enactment of H.R. 5461 would serve as an appropriate testimonial to an extraordinary individual who dedicated his life to the cause of human rights in this country. Additionally, the bill would underscore the nation's continuing commitment to alleviate the invidious effects of discrimination and poverty which Dr. King struggled against.

Although nearly 11 years have passed since the tragic death of Dr. King, his memory, as well as his legacy, continue to flourish and grow stronger in the hearts and minds of many Americans. Dr. King attained worldwide recognition and acclaim as an advocate of non-violent social change. His vision aroused a nation to confront the inequities existing in our society. As a result, landmark legislation was enacted guaranteeing equal opportunity for all Americans in housing, education, and employment.

Earlier this year, President Carter took note of Dr. King's accomplishments in his annual State of the Union message:

Dr. Martin Luther King, Jr. led this nation's effort to provide all its citizens with civil rights and equal opportunity.

His commitment to human rights, peace, and non-violence, stands as a monument to his humanity and courage. As one of our nation's most outstanding leaders, it is appropriate that his birthday be commemorated as a national holiday, and I will strongly support legislation to achieve this.

The committee concurs with the President's assessment that Dr. King was a distinguished American who deserves the honor and recognition accorded by a national holiday. The civil rights movement was a pursuit of fundamental rights and, as its leader, Dr. King personified the values and traditions of our nation's heritage.

In honoring Dr. King, the committee does not intend to foreclose consideration of legislation to honor other distinguished Americans. The committee's action with respect to this bill is based solely on its examination of Dr. King's unique contributions to the Nation and is taken without prejudice to any other individual.

EFFECTIVE DATE

Section 2 of the bill provides that the designation of January 15 as a legal public holiday shall not take effect until the first calendar year beginning more than 2 years after the date of the enactment of the bill. The committee believes that the delayed effective date will afford state legislatures sufficient time in which to consider enacting similar legislation.

COST

The committee has reviewed the cost estimate furnished by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974 and adopts that estimate as the cost estimate of the committee for the purpose of clause 7 of House Rule XIII. The cost estimate prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974 is set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., October 16, 1979.

HON. JAMES M. HANLEY,
Chairman, Committee on Post Office and Civil Service, U.S. House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 5461, a bill to designate the birthday of Martin Luther King, Jr., a legal public holiday, as ordered reported by the House Committee on Post Office and Civil Service, October 10, 1979.

The only clearly definable budget impact from the establishment of an additional federal holiday is the amount of premium pay for employees who work on the holiday, since the normal daily payroll (approximately \$185 million in fiscal year 1980) would be spent whether the employees work or not. Based on information obtained from the Office of Personnel Management, the average premium pay on a federal holiday is currently estimated to be approximately \$23.5 million. There may be additional expenditures for overtime pay on

days before or after the holiday, but the amount attributable to the holiday cannot be distinguished from overtime pay resulting from other causes. On the other hand, some savings may result due to decreased utility or other service costs on the holiday.

Since the first holiday observance of Martin Luther King, Jr.'s birthday would not occur until 1982 (assuming enactment of the bill in 1979), the additional payroll cost would be approximately \$27 million, increasing thereafter at the rate of each year's payraise.

Should the committee so derive, we would be pleased to provide further details on this estimate.

Sincerely,

Alice Rivlin, *Director.*

OVERSIGHT

Under the rules of the Committee on Post Office and Civil Service, the Subcommittee on Census and Population is vested with legislative and oversight jurisdiction over the subject of this legislation. As a result of its hearings and investigations, the subcommittee concluded that there is ample justification for enacting this legislation.

The committee received no report of oversight findings or recommendations from the Committee on Government Operations pursuant to clause 4(c) (2) of House Rule X.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1) (4) of House Rule XI, the committee has concluded that the enactment of H.R. 5461, as amended, will have no inflationary impact on the national economy.

AGENCY VIEWS

Set forth below are the views of the Office of Personnel Management and the Office of Management and Budget on H.R. 15, a bill similar to H.R. 5461.

OFFICE OF PERSONNEL MANAGEMENT,
Washington, D.C., April 2, 1979.

HON. JAMES M. HANLEY,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of the Office of Personnel Management on H.R. 15, a bill to designate the birthday of Martin Luther King, Jr., a legal public holiday.

This bill would amend section 6103 of title 5, United States Code, to establish January 15 as a legal public holiday to honor the memory of Dr. Martin Luther King, Jr., on his birthday.

The Office of Personnel Management strongly supports enactment of this legislation to commemorate as a national holiday the birthday of one of our Nation's great leaders.

The President, in the supplement to his State of the Union message, said: "Dr. Martin Luther King, Jr. led this Nation's effort to provide all its citizens with civil rights and equal opportunities. His commitment to human rights, peace and non-violence stands as a monument

to his humanity and courage. As one of our Nation's most outstanding leaders, it is appropriate that his birthday be commemorated as a national holiday, and I will strongly support legislation to achieve this." Also, in Atlanta on January 14, in paying tribute to Dr. King, the President stated that he particularly hoped that he would be able to sign a bill this year proclaiming January 15 as a national holiday in honor of Dr. King's principles and accomplishments.

The daily payroll outlay of the Federal Government on a regular workday is \$173 million in basic pay. This outlay continues on a holiday, since employees are all paid their basic pay, even though most of them have the day off. On any holiday, though, some Federal employees are required to work. These employees who must actually work receive an additional day's pay in the form of holiday premium pay, estimated to average \$22 million for each holiday. This \$22 million is the only identifiable additional budgetary outlay resulting from a holiday. This added cost, would, in our view, be outweighed by official commemoration of an individual of such great symbolic importance to the Nation.

The Office of Management and Budget advises that the enactment of H.R. 15 would be in accord with the program of the President.

Sincerely yours,

JULE SUGARMAN, *Acting Director.*

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 30, 1979.

HON. JAMES M. HANLEY,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to the Committee's request for the views of this Office on H.R. 15, to designate the birthday of Martin Luther King, Jr., a legal public holiday.

H.R. 15 accords with the President's remarks in Atlanta on January 14, 1979, when he expressed the hope that he would be able to sign such a bill this year in honor of Dr. King's principles and accomplishments. Further, in his State of the Union Message to the Congress on January 25, 1979, the President stated:

"Dr. Martin Luther King, Jr. led this Nation's effort to provide all its citizens with civil rights and equal opportunities. His commitment to human rights, peace and non-violence stands as a monument to his humanity and courage. As one of our Nation's most outstanding leaders, it is appropriate that his birthday be commemorated as a national holiday, and I will strongly support legislation to achieve this."

H.R. 15 would carry out the President's policy and we urge the Committee to give the bill its early and favorable consideration. Enactment of H.R. 15 would be in accord with the program of the President.

Sincerely,

JAMES M. FREY,
*Assistant Director for
Legislative Reference.*

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 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 6103 OF TITLE 5, UNITED STATES CODE

§ 6103. Holidays

- (a) The following are legal public holidays:
- New Year's Day, January 1.
 - The birthday of Martin Luther King, Junior, January 15.*
 - Washington's Birthday, the third Monday in February.
 - Memorial Day, the last Monday in May.
 - Independence Day, July 4.
 - Labor Day, the first Monday in September.
 - Columbus Day, the second Monday in October.
 - Veterans Day, November 11.
 - Thanksgiving Day**, the fourth Thursday in November.
 - Christmas Day, December 25.

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MINORITY VIEWS ON H.R. 5471

While the effect of designating the birthday of Martin Luther King, Jr., as a legal public holiday will largely be measured in symbolic terms—the costs, both known and unknown, of this legislation will be measured in very real terms for the weary American taxpayer and lead us to conclude that the House should reject the measure.

The cost to the American taxpayer's Federal Government to bestow yet another paid holiday to Federal employees is calculated at \$196 million: \$23 million of which would be necessary to pay holiday premium pay for those employees who are required to work, and which the Administration recognizes as having a direct budget impact; and \$173 million in one day's basic pay for the Federal workforce which would continue on any holiday, and which the Administration does not recognize as having any budget impact.

While these costs to the Federal Government will be substantial, it is unrealistic to think that the total cost to the taxpayers of this Nation will stop at the \$196 million figure.

Given the fact that thousands of state, county, and city governments will be asked to follow suit and declare a holiday for the millions of workers they employ, the overall cost will be considerable.

Although passage of another holiday for Federal employees will not automatically require the closing of public schools, libraries, and other institutions operated at the local level, it would certainly be a strong suggestion from the Congress.

In addition to the increased costs of government operation at every level, the American public will be paying for a new Federal holiday in dozens of other ways. These "hidden" costs, which are almost impossible to calculate, could include the daily payrolls of banks and other financial institutions that would close because the Federal Reserve System closed; the increased cost of doing business for those commercial firms that remained open and paid higher daily salaries for holiday work; as well as increased production costs for the Nation's manufacturing firms.

All of these "hidden" costs will result in increased costs to the American consumer in the form of higher prices for goods and services, and will come at a time when most citizens are deeply concerned over the high rate of inflation brought about primarily because of increased Government spending.

Leaving aside the overriding issue of the expense involved in this legislation, we question whether the establishment of Martin Luther King's birthday as a legal public holiday is the most appropriate way to honor him and recognize his contributions to our Nation.

The establishment of a public holiday to honor a private citizen would be contrary to our country's longstanding tradition. In fact, among our Nation's great public leaders, only George Washington has been recognized by a holiday in his honor. Even this holiday was established as much to recognize the spirit and strength underlying the

beginnings of our country as to single out the accomplishments of one individual.

In this context, it should be noted that even public citizens as great as Thomas Jefferson, Abraham Lincoln, Theodore Roosevelt, and Franklin D. Roosevelt have no national holiday in their honor and no recurring public remembrance of their many outstanding achievements and contributions to our history as a society.

We are not convinced that the contributions Reverend King made to our society through the black civil rights movement were so unique as to merit the unprecedented recognition this legislation would accord. While we have a great deal of respect for Rev. King, recognizing that he was a dynamic and charismatic leader of people and that his memory evokes great emotional response from segments of our society, we would prefer to see him honored in other ways.

The Congress could, for example, approve a Joint Resolution authorizing and requesting the President to issue a proclamation designating January 15, 1980, as "Martin Luther King, Jr., Day" and inviting the people of the United States to observe such a day with appropriate ceremonies and activities.

Such an action on the part of the Congress would preserve the principle of Federalism that leaves to the States matters such as holidays established to recognize individuals. Several states, including Connecticut, Florida, Illinois, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio and South Carolina have exercised this option and chosen to observe the birthday of Martin Luther King as a legal holiday within their boundaries.

The House should weigh carefully the expense involved in creating any new Federal holiday, not only to the Federal budget but also the expense which will surely follow at the state and local government level. We do not believe the designation of the birthday of Martin Luther King, Jr., as a legal public holiday reflects the objective thinking necessary for the 96th Congress, and we urge the House to reject this measure.

EDWARD J. DERWINSKI.
 GENE TAYLOR.
 TOM CORCORAN.
 DANIEL B. CRANE.
 WILLIAM E. DANNEMEYER.

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