

## FALLEN HEROES FLAG ACT OF 2009

—————  
JUNE 3, 2009.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

—————  
Mr. BRADY of Pennsylvania, from the Committee on House  
Administration, submitted the following

### R E P O R T

[To accompany H.R. 415]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 415) to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE LEGISLATION

H.R. 415 would provide for Capitol-flown flags to be given to the immediate families of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty.

#### BILL SUMMARY

H.R. 415 would provide a Capitol-flown flag to the immediate family of a firefighter, law enforcement officer, emergency technician, or other rescue worker who dies in the line of duty. Additionally, the family will receive a certificate, prepared by the office of the Clerk of the House, signed by the Speaker of the House and the Representative presenting the flag expressing sympathy on behalf of the House of Representatives. The flag and certificate will be provided at no expense to the family.

#### COMMITTEE CONSIDERATION

On March 25, 2009, the Committee on House Administration, by voice vote, ordered the H.R. 415 reported favorably without amend-

ment. No recorded votes were taken during the consideration of the bill.

#### BACKGROUND AND NEED FOR H.R. 415

Across the country, brave public servants selflessly put their lives at risk for the protection of others. On rare occasions, these fire fighters, law enforcement officers, emergency technicians, and other rescue workers make the ultimate sacrifice.

H.R. 415 would provide a simple and eloquent tribute to these fallen heroes. A Capitol-flown flag would express national sympathy and gratitude to the families of those who gave their lives for others.

#### ANALYSIS OF THE BILL (AS REPORTED)

H.R. 415 was introduced by Representative Peter T. King of New York on January 9, 2009. The bill directs the Clerk of the House to implement regulations and procedures, subject to the approval of the Committee on House Administration, to provide a flag flown over the U.S. Capitol building at the request of the family of a rescue worker who died in the line of duty.

A section by section analysis of the bill is as follows:

Section 1. Designates the bill as the “Fallen Heroes Flag Act of 2009”.

Section 2. Subsection (a) entitles the family of a firefighter, law enforcement officer, emergency technician or other rescue worker who died in the line of duty to request a Capitol-flown flag with a certificate described in Subsection (c).

Subsection (b) assures that the flag will be provided without cost to the requesting family.

Subsection (c) describes the certificate to accompany the flag as an expression of sympathy on behalf of the House of Representatives. It will be signed by the Speaker of the House and the Representative providing the flag.

Subsection (d) defines the term “Capitol-flown flag” as a United States flag flown over the United States Capitol in honor of the deceased individual for whom such flag is requested; and the term “Representative” to include a Delegate or Resident Commissioner to the Congress.

Section 3. subsection (a) requires the Clerk of the House of Representatives to issue regulations and procedures for carrying out this act.

Subsection (b) requires that the regulations issued by the Clerk be approved by the Committee on House Administration.

Section 4. authorizes appropriations from applicable accounts of the House of Representatives for fiscal year 2009 and each succeeding fiscal year.

Section 5. states that this bill will take effect immediately after the procedures created by the Clerk are approved by the Committee on House Administration.

#### MATTERS REQUIRED UNDER RULES OF THE HOUSE

##### *Committee votes*

Clause 3(b) of House Rule XIII requires the results of each recorded vote on an amendment or motion to report, together with

the names of those voting for and against, to be printed in the committee report. No recorded votes were taken during the committee's consideration of H.R. 415.

*Constitutional authority*

Clause 3(d)(1) of House Rule XIII requires each committee report on a public bill or joint resolution to include a statement citing the specific constitutional power(s) granted to the Congress on which the Committee relies for enactment of the measure under consideration.

The Committee cites the legislative power broadly granted to Congress in Article I.

*Congressional Budget Office estimate*

Clause 3(c)(3) of House Rule XIII requires the report of a committee on a measure which has been approved by the committee to include a cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the CBA, if timely submitted. The Director submitted the following estimate:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, March 30, 2009.*

Hon. ROBERT A. BRADY,  
*Chairman, Committee on House Administration,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 415, the Fallen Heroes Flag Act of 2009.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Matthew Pickford and Deborah Reis.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*H.R. 415—Fallen Heroes Flag Act of 2009*

H.R. 415 would authorize members of the U.S. House of Representatives to provide, free of charge, U.S. flags flown over the U.S. Capitol to the immediate families of fire fighters, law enforcement officers, and other rescue workers who died in the line of duty. (Currently, representatives may provide flags, but at a price to the requestor—usually about \$24 plus shipping costs.) The bill would require the Clerk of the House of Representatives to establish procedures, request forms, and guidelines for providing the flags and accompanying certificates.

Based on the current costs of obtaining and mailing flags and on the small number of likely recipients in any given year, CBO estimates that implementing H.R. 415 would not have a significant impact on discretionary spending. Depending on whether the new regulations would allow families of individuals who died before the bill's enactment to request a flag, it is possible that the costs of providing flags could be higher in the first few years of the program (to process a potential backlog of such requests), but we estimate that, even in those years, total annual costs would be insignificant.

nificant. The bill would have no effect on direct spending or revenues.

H.R. 415 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 contacts for this estimate are Matthew Pickford and Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### *Oversight findings*

Clause 3(c)(1) of rule XIII requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of House rule X. The Committee on House Administration has general oversight responsibility for the Office of the Clerk.

In the course of the Committee's continuing oversight of the Office of the Clerk, the Committee noted the benefit of honoring the service of rescue workers.

#### *Federal mandates*

Section 423 of the CBA requires a committee report on any public bill or joint resolution that includes a federal mandate to include specific information about such mandates. The Committee states that H.R. 415 includes no federal mandates.

#### *Preemption clarification*

Section 423 of the CBA requires a committee report on any public bill or joint resolution to include a committee statement on the extent to which the measure is intended to preempt state or local law. The Committee states that H.R. 415 is not intended to preempt any state or local law.

#### *Statement of general performance goals and objectives*

Clause 3(c)(4) of House rule XIII requires a committee report on a measure to include a statement of general performance goals and objectives. The Committee finds that the objective of H.R. 415 is to honor the service and sacrifice of rescue workers.

#### *Congressional "earmarks"*

Clause 9 of House rule XXI requires a committee report on a bill or joint resolution to contain an identification of congressional "earmarks," limited tax benefits, limited tariff benefits, and the names of requesting Members. H.R. 415 contains no such items.