

STATE ADMISSION DAY RECOGNITION ACT 2009

DECEMBER 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. 3542]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 3542) to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Add at the end the following new section:

SEC. 3. REGULATIONS.

The Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate may promulgate jointly such regulations as may be appropriate to carry out this Act, including regulations permitting the Architect of the Capitol to honor the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Northern Mariana Islands by flying the flag of each such jurisdiction over the Capitol each year on an appropriate date for that jurisdiction.

PURPOSE OF THE LEGISLATION

H.R. 3542 would require that the flag of each state be flown over the U.S. Capitol on the anniversary of the state's admission to the Union. The process would begin on December 7, following the date of enactment, to honor Delaware, the first state to join the Union. The bill, as amended, would also permit implementing regulations

to be issued jointly by the Committee on House Administration and the Committee on Rules and Administration, which could permit the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands and the Northern Mariana Islands to be represented by flags flown on dates appropriate to those jurisdictions.

COMMITTEE CONSIDERATION

H.R. 3542 was introduced on September 9, 2009, by the Ranking Minority Member, Rep. Lungren of California. During markup the Committee, by voice vote, adopted a perfecting amendment by Chairman Brady adding section 3 at the end of the bill, which would require the Committee on House Administration and the Committee on Rules and Administration to jointly promulgate regulations to carry out the Act, which may include regulations permitting flags to be flown to represent the District of Columbia, the Commonwealth of Puerto Rico, and the territories of Guam, the United States Virgin Islands, American Samoa and the Northern Mariana Islands on dates appropriate to honor each of them.

By voice vote, a quorum being present, the Committee ordered H.R. 3542, as amended, reported favorably to the House.

SECTION-BY-SECTION SUMMARY

Section 1. The short title of the bill is “State Admission Day Recognition Act of 2009”.

Section 2. (a)—Directs the Architect of the Capitol to fly the flag of a state over the Capitol each year on the anniversary date of a state’s admission to the Union.

(b) Provides that the first flag to be flown will be that of Delaware, the first state admitted to the Union, on the first December 7 following enactment.

Section 3. Authorizes the Committee on House Administration and the Committee on Rules and Administration to jointly promulgate such regulations as may be appropriate to carry out the Act. Such regulations may permit the Architect of the Capitol to fly flags representing the District of Columbia, the Commonwealth of Puerto Rico, and the territories of American Samoa, Guam, the United States Virgin Islands and the Northern Mariana Islands each year on appropriate dates for those jurisdictions.

MATTERS REQUIRED UNDER THE RULES OF THE HOUSE

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 granted to Congress in Article I, Section 8, Clause 18.

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 com-

mittee report. No recorded votes were taken during the Committee's consideration of H.R. 3542.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of House rule XIII, the Committee states that findings and recommendations of the Committee based on oversight activities under clause 2(b)(1) of rule X are reflected in the descriptive portions of this report. The Committee has general oversight responsibility for the Architect of the Capitol.

GENERAL PERFORMANCE GOALS AND OBJECTIVES

The Committee states that the goal of the legislation is to utilize Congress' authority over the U.S. Capitol building to provide a mechanism to honor each state annually on the date of its admission to the Union or, with respect to the District of Columbia and territorial jurisdictions, on dates appropriate for them.

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act requires a committee report on any public bill or joint resolution to include a statement on the extent to which the measure is intended to preempt state or local law. The Committee states that H.R. 3542 does not preempt any state or local law.

FEDERAL MANDATES

Section 423 of the Congressional Budget Act requires a committee report on a public bill or joint resolution that includes a Federal mandate to include specific information about such mandates. The bill includes no federal mandates.

EARMARK IDENTIFICATION

The Committee states, pursuant to clause 9 of rule XXI, that H.R. 3542, as amended, does not include any congressional earmarks, limited tax benefits or limited tariff benefits as defined in clause 9c, 9(f) or 9(g) of rule XXI.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 9, 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. 3542, the State Admission Day Recognition Act of 2009.

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

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

H.R. 3542—State Admission Day Recognition Act of 2009

H.R. 3542 would amend federal law to require that the flag of each state be flown over the U.S. Capitol on the anniversary of the state's admission to the Union. The bill also would apply to the District of Columbia, the Commonwealth of Puerto Rico, and United States insular areas. CBO estimates that implementing H.R. 3542 would have no significant cost and would not affect direct spending or revenues.

H.R. 3542 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 Matthew Pickford. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.