

DISPLAYING THE FLAG ON THE MARTIN LUTHER KING, JR.
HOLIDAY

JUNE 9, 1999.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. HYDE, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 576]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 576) to amend title 4, United States Code, to add the Martin Luther King, Jr. holiday to the list of days on which the flag should especially be displayed, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 576 would amend 4 U.S.C. sec. 6(d) to add the Martin Luther King, Jr. holiday to the list of days on which the flag should be especially displayed. The text of the bill is simple and straightforward, "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(d) of title 4, United States Code, is amended by inserting 'Martin Luther King, Jr.'s birthday, the third Monday in January,' after 'January 20;'"

BACKGROUND AND NEED FOR THE LEGISLATION

Currently, Section 6(d) of title 4, United States Code states that the flag of the United States of America should

be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

H.R. 576 would amend this section of the United States Code by inserting "Martin Luther King, Jr.'s Birthday, third Monday in January," after "January 20;". All nine other permanent Federal holidays are listed in the Flag Code to remind Americans to show respect for the people and events that have shaped our nation, but the King holiday was not added to the list when Congress approved the holiday in 1983. When Congress passed the legislation creating the King holiday, it failed to include additional language to the bill that would have amended the Flag Code to include this new holiday on the list of days on which the flag should be especially displayed.

H.R. 576 is simple, straightforward legislation that aims to correct the oversight that left the Dr. Martin Luther King, Jr., holiday off the U.S. Flag Code's list of days on which Americans are encouraged to display the American flag. By adding the King holiday to the Flag Code, H.R. 576 will encourage Americans to honor our nation's greatest civil rights leader in the same way that we honor those remembered by our other Federal holidays. Identical legislation passed the House in 1998 by unanimous consent. However, it passed on the last day on the 105th Congress and did not become law.

HEARINGS

No hearings were held on H.R. 576.

COMMITTEE CONSIDERATION

On May 19, 1999, the Committee met in open session and ordered reported favorably the bill H.R. 576, without amendment by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

Final Passage. Mr. Hyde moved to report H.R. 576, without amendment, favorably to the whole House. The bill was reported favorably by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of Rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform were received as referred to in clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

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, H.R. 576, 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, May 24, 1999.

Hon. HENRY J. HYDE, *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 576, a bill to amend title 4, United States Code, to add the Martin Luther King, Jr., holiday to the list of days on which the flag should especially be displayed.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susanne Mehlman, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN, *Director.*

H.R. 576.—A bill to amend title 4, United States Code, to add the Martin Luther King, Jr., holiday to the list of days on which the flag should especially be displayed.

H.R. 576 would amend Federal law to add Martin Luther King, Jr.'s birthday to the list of days on which the U.S. flag should be displayed. Because the flag is displayed daily by the administration of every public institution, CBO estimates that enacting H.R. 576 would have no effect on the Federal budget. Enacting H.R. 576 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no effect on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Susanne S. Mehlman, who can be reached at 226-2860. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, section 8 of the Constitution, which provides that the Congress has the authority to make all laws which are necessary and proper for carrying out its powers.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

H.R. 576 only has one section and it simply states, "That section 6(d) of title 4, United States Code, is amended by inserting 'Martin Luther King, Jr.'s birthday, the third Monday in January;' after 'January 20;'"

The singular purpose of the bill is to update the Flag Code to include the Dr. Martin Luther King, Jr. Holiday on the list of days that Congress especially encourages that the United States flag be displayed. All other permanent Federal holidays are already included on this list and the King holiday should be too. The language of the bill codifies the intent of Congress to encourage all Americans to pay respect to the memory of Dr. King and all his achievements through the display of the American flag on the day we honor him.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) 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 (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

SECTION 6 OF TITLE 4, UNITED STATES CODE

§ 6. Time and occasions for display

(a) * * *

* * * * *

(d) The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; *Martin Luther King, Jr.'s birthday, the third Monday in January*; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

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