

ALL-AMERICAN FLAG ACT

---

SEPTEMBER 14, 2010.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

Mr. TOWNS, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 2853]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 2853) to require the purchase of domestically made flags of the United States of America for use by the Federal Government, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary .....	2
Background and Need for Legislation .....	2
Legislative History .....	2
Section-by-Section .....	2
Explanation of Amendments .....	3
Committee Consideration .....	3
Roll Call Votes .....	4
Application of Law to the Legislative Branch .....	5
Statement of Oversight Findings and Recommendations of the Committee .....	5
Statement of General Performance Goals and Objectives .....	5
Constitutional Authority Statement .....	5
Federal Advisory Committee Act .....	5
Unfunded Mandate Statement .....	5
Earmark Identification .....	5
Committee Estimate .....	6
Budget Authority and Congressional Budget Office Cost Estimate .....	6
Changes in Existing Law Made by the Bill, as Reported .....	7

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “All-American Flag Act”.

**SEC. 2. REQUIREMENT FOR PURCHASE OF DOMESTICALLY MADE UNITED STATES FLAGS FOR USE BY FEDERAL GOVERNMENT.**

Only such flags of the United States of America, regardless of size, that are 100 percent manufactured in the United States, from articles, materials, or supplies 100 percent of which are grown, produced, or manufactured in the United States, may be acquired for use by the Federal Government.

**SEC. 3. REQUIREMENT TO USE WORKERS AUTHORIZED TO WORK IN THE UNITED STATES.**

In carrying out section 2, the Federal Government may purchase flags only from a manufacturer that certifies that—

- (1) the manufacturer does not employ aliens who are not authorized to be employed in the United States; and
- (2) the manufacturer participates in the E-Verify Program under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. § 1324a note).

**SEC. 4. EFFECTIVE DATE.**

Section 2 shall apply to purchases of flags made on or after 180 days after the date of the enactment of this Act.

## PURPOSE AND SUMMARY

H.R. 2853, the “All-American Flag Act,” would require that all flags of the United States of America, regardless of size, acquired for use by the federal government, be 100 percent manufactured in the United States. Additionally, any articles, materials, or supplies used to manufacture or produce the flags must be 100 percent grown, produced, or manufactured in the United States. Current law only requires 50 percent of the materials used to manufacture the flags for use by the federal government to be American made.

## BACKGROUND AND NEED FOR LEGISLATION

Flags were being acquired and flown by the federal government which were not 100 percent manufactured in the United States. This bill requires that flags of the United States of America, flown by the government of the United States of America be 100 percent American made.

## LEGISLATIVE HISTORY

H.R. 2853 was introduced by Rep. Bruce Braley on June 12, 2009, and referred to the House Committee on Oversight and Government Reform on June 26, 2009. The Committee on Oversight and Government Reform met in open markup session and ordered H.R. 2853, as amended, to be reported favorably to the House by a voice vote.

## SECTION-BY-SECTION

*Section 1: Short title*

The short title of the bill is the All-American Flag Act.

*Section 2: Requirement for purchase of domestically made United States flags for use by Federal Government*

This section would require all flags of the United States of America acquired by the federal government, regardless of size, be 100 percent manufactured in the United States, which includes all articles, materials, or supplies which are 100 percent grown, produced, or manufactured in the United States.

*Section 3: Effective date*

This section would require this bill to apply to all purchases of flags by the federal government on or after 180 days from enactment of this Act and require that all flags purchased by the federal government be purchased from manufacturers that certify that the manufacturer does not employ aliens who are not authorized to work in the United States; and that the manufacturer participates in the E-Verify Program.

## EXPLANATION OF AMENDMENTS

Mr. Bilbray offered an amendment which was adopted by the Committee by a roll call vote of 15–1. Mr. Bilbray’s amendment would require that all flags purchased by the federal government be purchased from manufacturers that certify that the manufacturer does not employ aliens who are not authorized to work in the United States; and that the manufacturer participates in the E-Verify Program under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. § 1324a note).

## COMMITTEE CONSIDERATION

The Committee on Oversight and Government Reform met in open session and ordered H.R. 2853, as amended, to be reported favorably to the House by a voice vote.

## ROLLCALL VOTES

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM - 111TH CONGRESS  
ROLL CALL VOTE # 9

BILL: H.R. 2853, the "All-American Flag Act"

AMENDMENT: Rep. Bilbray #1

DISPOSITION: Agreed to by a roll call vote of 15 Ayes – 1 Nay.

Democrats	Aye	No	Present	Republicans	Aye	No	Present
MR. TOWNS ( <i>Chairman</i> )	X			MR. ISSA ( <i>Ranking</i> )	X		
MR. KANJORSKI				MR. BURTON			
MRS. MALONEY				MR. MICA			
MR. CUMMINGS				MR. DUNCAN	X		
MR. KUCINICH	X			MR. TURNER			
MR. TIERNEY				MR. WESTMORELAND			
MR. CLAY				MR. McHENRY			
MS. WATSON				MR. BILBRAY	X		
MR. LYNCH	X			MR. JORDAN	X		
MR. COOPER				MR. FLAKE			
MR. CONNOLLY				MR. FORTENBERRY			
MR. QUIGLEY				MR. CHAFFETZ	X		
MS. KAPTUR				MR. SCHOCK	X		
MS. NORTON	X			MR. LUETKEMEYER	X		
MR. KENNEDY				MR. CAO	X		
MR. DAVIS				MR. SHUSTER			
MR. Van HOLLEN							
MR. CUELLAR							
MR. HODES							
MR. MURPHY	X						
MR. WELCH							
MR. FOSTER							
MS. SPEIER	X						
MR. DRIEHAUS	X						
MS. CHU			X				

## APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to terms and conditions of employment or access to public services and accommodations. This bill does not relate to the terms and conditions of employment or access to public services and accommodations.

## STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report including the need to ensure that flags of the United States of America, flown by the United States of America, are manufactured from supplies and people who are 100 percent American.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report, including the legislation's requirement for flags of the United States of America, flown by the United States of America, are manufactured from supplies and people who are 100 percent American.

## CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress to enact the law proposed by H.R. 2853. Article I, Section 8, Clause 18 of the Constitution of the United States grants the Congress the power to enact this law.

## FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the meaning of 5 U.S.C. App., Section 5(b).

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement on whether the provisions of the report include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

## EARMARK IDENTIFICATION

H.R. 2853 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

## COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 2853. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST  
ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2853 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 13, 2010.*

Hon. EDOLPHUS TOWNS,  
*Chairman, Committee on Oversight and Government Reform,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2853, the All-American Flag Act.

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

Sincerely,

ROBERT A. SUNSHINE.  
(For Douglas W. Elmendorf, Director).

Enclosure.

*H.R. 2853—All-American Flag Act*

H.R. 2853 would amend federal law to require that all flags of the United States of America (the American flag) acquired by the federal government be manufactured in the United States from materials grown, produced, or manufactured in the United States. The legislation also would require manufacturers of U.S. flags to certify that they participate in the E-Verify Program and that they do not employ aliens who are not authorized to work in the United States.

Based on information from the General Services Administration and U.S. flag vendors, CBO expects that implementing this bill would have no significant effect on the federal budget because the Flag Manufacturers Association of America already certifies (through the Made in the USA program) that manufacturers of American flags meet most of those requirements.

Pay-as-you-go procedures do not apply because the legislation would not affect direct spending or revenues. H.R. 2853 contains no intergovernmental or private-sector mandates as defined in the Un-

funded 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.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

There are no changes to existing law in this bill.

