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108TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 108–250

KOREAN WAR VETERANS RECOGNITION ACT OF 2003

SEPTEMBER 3, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 292]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 292) to amend title 4, United States Code, to add National Korean War Veterans Armistice Day 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

Introduced by Representative Sue Kelly, H.R. 292 would amend title 4 of the U.S. Code to include July 27, National Korean War Veterans Armistice Day, in the list of days on which the American flag should especially be displayed.

BACKGROUND AND NEED FOR THE LEGISLATION

Currently, title 4 of the U.S. Code provides that the flag of the United States of America should be displayed on all days, but specifically mentions ten permanent Federal holidays on which the flag should be displayed.[1] These 10 days include Inauguration Day, the birthday of Dr. Martin Luther King Jr., the birthday's of President Lincoln and President Washington, and Mothers Day.[2]

On June 25, 1950, armed forces from communist North Korea crossed the 38th parallel and launched an offensive invasion of democratic South Korea. The following day President Truman authorized the use of American air and naval forces to repel the rapidly advancing North Korean forces.[3] On June 27, fifty-three member nations approved a United Nations Security Council resolution recommending that the United Nations member countries send military assistance to South Korea in order to "repel the armed attack and to restore international peace and security to the area."[4] On that same day, President Truman sent the first U.S. troops into combat in South Korea.[5] Facing harsh weather and foreign terrain, 1.8 million American soldiers fought bravely; 103,284 were wounded and 36,577 died.[6] Finally, on July 27, 1953, after 3 years of fighting, an armistice was signed, North Korea withdrew to its side of the 38th parallel, and South Korea remained an independent, democratic nation.[7]

During the 104th Congress, in remembrance of the signing of the armistice ending the Korean War, Congress designated July 27th of each year, through 2003, to be "National Korean War Veterans Armistice Day."[8] During the 106th Congress, in honor of the 50th anniversary of the Korean War Armistice and all the Armed Service members who served during that war, Congress found that "service by members of the Armed Forces in the Korean War should never be forgotten" and passed H.J. Res. 86, later Pub. L. No. 106–195, calling upon the President to make a proclamation recognizing and calling upon Americans to observe the anniversary

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[1] 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; Martin Luther King Jr.'s Birthday, 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 other such days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

[2] *See id.*

[3] Department of Defense, United States of America Korean War Commemoration, *An Overview of the U.S. Army in the Korean War*, 1950–1953 (2003), *available at* http://korea50.army.mil/history/factsheets/army.shtml.

[4] Department of Defense, United States of America Korean War Commemoration, *The Korean War: Setting the Stage and Brief Overview* (2003), *available at* http://korea50.army.mil/history/factsheets/overview.shtml.

[5] Department of Defense, *supra* note 3.

[6] Department of Defense, Washington Headquarter Services, *Korean War: Casualty Type by State and Territory* (2002), *available at* http://web1.whs.osd.mil/mmid/CASUALTY/STATE-CASUALTY.PDF.

[7] Department of Defense, *supra* note 3.

[8] H.R. 1994, 104th Cong., 1st Sess. (1995), Pub. L. No. 104–019.

of the Armistice.[9] President Clinton made such a proclamation on June 23, 2000.[10]

The ten permanent Federal holidays that are currently listed in title 4 of the U.S. Code, serve to recognize the people and events that have shaped the character of our nation. By calling for the flag to be flown each July 27th in remembrance of National Korean War Veterans Armistice Day, H.R. 292 will ensure that those who fought and died so bravely in the Korean War are recognized for their contribution to our nation.

HEARINGS

No hearings were held on H.R. 292.

COMMITTEE CONSIDERATION

On July 25, 2003, the Committee met in open session and ordered favorably reported the bill H.R. 292 without amendment by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of Rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the committee consideration of H.R. 292.

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.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives 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. 292, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

[9] *See* 146 Cong. Rec. H726 (2000).
[10] Proclamation No. 7324, 65 Fed. Reg. 39, 773 (June 23, 2000).

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 28, 2003.

Hon. F. JAMES SENSENBRENNER, Jr., *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. 292, the "Korean War Veterans Recognition Act of 2003."

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

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 292—Korean War Veterans Recognition Act of 2003.

H.R. 292 would amend Federal law to add National Korean War Veterans Armistice Day (July 27) to the list of days on which the U.S. flag should be displayed. Because the flag is displayed daily at Federal facilities, CBO estimates that implementing H.R. 292 would have no significant cost and would not affect direct spending or revenues. The bill 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, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

H.R. 292 does not authorize funding. Therefore, clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives is inapplicable.

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.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Sec. 1. Short title. Section 1 provides that the short title of the bill is the "Korean War Veterans Recognition Act of 2003."

Sec. 2. Display of Flag on National Korean War Veterans Armistice Day. Section 2 amends section 6(d) of title 4, of the United States Code by inserting "National Korean War Veterans Armistice Day, July 27;" after "July 4;".

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):

TITLE 4, UNITED STATES CODE

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CHAPTER 1—THE FLAG

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§ 6. Time and occasions for display

(a) * * *

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(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, 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; *National Korean War Veterans Armistice Day, July 27;* 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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MARKUP TRANSCRIPT

BUSINESS MEETING

FRIDAY, JULY 25, 2003

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 9:40 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr., [Chairman of the Committee] presiding.

[Intervening business.]

Chairman SENSENBRENNER. The next item on the agenda, pursuant to notice I now call up the bill H.R. 292, the "Korean War Veterans Recognition Act of 2003" for purposes of markup and move its favorable recommendation to the House. Without objection, the bill will be considered as read and open for amendment at any point.

[The bill, H.R. 292, follows:]

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108TH CONGRESS
1ST SESSION

H. R. 292

To amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2003

Mrs. KELLY introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Korean War Veterans Recognition Act of 2003''.

SEC. 2. DISPLAY OF FLAG ON NATIONAL KOREAN WAR VETERANS ARMISTICE DAY.

Section 6(d) of title 4, United States Code, is amended by inserting ''National Korean War Veterans Armistice Day, July 27;'' after ''July 4;''.

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Chairman SENSENBRENNER. And the Chair recognizes the gentleman from Ohio Mr. Chabot to explain the bill.

Mr. CHABOT. Move to strike the last word, Mr. Chairman.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. CHABOT. Thank you.

Currently title 4 of the U.S. Code provides that the flag of the United States of America should be displayed on all days, but specifically mentions 10 permanent Federal holidays in which the flag should be displayed, including Inauguration Day, the birthday of Dr. Martin Luther King, Jr., the birthdays of President Lincoln and President Washington, and Mother's Day. Introduced by Representative Sue Kelly on January 8 of this year, H.R. 292, this bill, would amend title 4 to include July 27, the National Korean War Veterans Armistice Day.

On June 25, 1950, Armed Forces from Communist North Korea crossed the 38th parallel and launched an offensive invasion of democratic South Korea. In just 2 days President Truman was able to garner support in the United Nations Security Council in opposition to this invasion, and on June 27, 1950, sent the first U.S. forces into combat in South Korea. Facing harsh weather and foreign terrain, 1.8 million American soldiers fought bravely; over 103,000 American soldiers were wounded, and 36,577 were killed.

Finally, on July 27, 1953, after 3 years of fighting, an armistice was signed, and North Korea withdrew to its side of the 38th parallel, and South Korea remained an independent democratic nation.

In 1995, in remembrance of the signing of the armistice ending the Korean War, Congress designated July 27 of each year through 2003 to be National Korean War Veterans Armistice Day. The 10 permanent Federal holidays that are currently listed in title 4 serve to recognize the people and events that have shaped the character of our Nation. By calling for the flag to be flown each July 27 in memorial of the National Korean War Veterans Armistice Day, H.R. 292 will ensure that those who fought and those who died so bravely in the Korean War are recognized for their contribution to our Nation, and I urge that this be passed.

Yield back the balance of my time.

Chairman SENSENBRENNER. Without objection, all Members' opening statements will be placed in the record at this point.

[The prepared statement of Ms. Jackson Lee follows:]

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Thank you Chairman Sensenbrenner and Ranking Member Conyers for convening this Full Committee Markup opportunity concerning the "Korean War Veterans Recognition Act of 2003." Commemoration of the service that our Korean war heroes performed on our behalf on July 27 will be the least that we can do to say "thank you" to these noble individuals.

Of our 25 million living veterans, nearly 19 million have served during times of war. There are 19 million stories to tell and 19 million histories to preserve. There are only a few thousand World War I veterans left and they are all more than 100 years old. The4 average age of our World War II veterans is more than 77 and we are losing 1,500 of them per day. We need to show them our appreciation now. H.R. 292 offers a special opportunity to express gratitude to a large portion of those servicepersons.

In the State of Texas, there are approximately 1.721 million veterans. Currently, 3,400 veterans are on the waiting list for health care services, and due to the War

in Iraq, we will have new veterans in need of services. I have recently advocated for and expressed my support of the passage of H.R. 2318, the Assured Funding for Veterans Health Care Act of 2003 that addresses and proposes to ameliorate the harmful gap that the Republican Budget will create as a way to thank our heroes.

The Veterans' Administration Medical Center in the 18th Congressional District in Texas has seen an 18% increase in the need for its services this year already. There must be an additional funding mechanism put in place by Congress to meet that need. I am adamantly opposed to any efforts that would reduce the accessibility or the extent of health care for our veterans. With a death toll of 153 U.S. troops since the start of the Iraqi War that is rising on a daily basis, it is incumbent upon our government to not only thank our troops and commemorate the history of their service, but to prepare ourselves for expenses that will stem from current war activities. We need to give appropriate courtesy to our fallen and living heroes at the very least.

Therefore, Mr. Chairman and Ranking Member, I support the tribute that H.R. 292 will give our brave brothers and sisters. Thank you for the opportunity to share this input.

Chairman SENSENBRENNER. Does any Member of the minority wish to make an opening statement?

Hearing none, are there amendments to this bill?

Hearing none, without—a reporting quorum is not present. Without objection, the previous question is ordered on the question to report the bill favorably.

[Intervening business.]

Chairman SENSENBRENNER. The unfinished business is the motion to report favorably the bill H.R. 292, the "Korean War Veterans Recognition Act of 2003," upon which the previous question has been ordered on the motion to report favorably. Those in favor will say aye.

Those opposed, no.

The ayes appear to have it. The ayes have it. The bill is favorably reported.

Without objection, the staff will be given authority to make technical and conforming changes.

Without objection, the Chair will be given authority to move to go to conference pursuant to House rules. And all Members will be given 2 days pursuant to the rules to submit additional, supplemental, dissenting or minority views.

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