

turned away and had to go seek treatment many miles away just so the emergency responders could properly decontaminate the facilities to ensure the public's safety. What a tragedy it would have been if someone with a real emergency had perished because Memorial Hermann had been closed and couldn't offer its help.

Regrettably, the same thing that happened in The Woodlands is happening in other areas of our country. The FBI reported that between October 1st to October 15th, their agency had received more than 2,300 reports of incidents or suspected incidents involving anthrax. We cannot afford in these trying times to have the valuable resources of our police agencies being wasted in dealing with these hoaxes. These false claims have become a serious headache for law enforcement officials, who are overwhelmed with calls from worried Americans concerned about possible anthrax contamination.

It is for these reasons that I co-sponsored this valuable legislation and fully support its passage here in the House of Representatives. We, as Americans, cannot afford to continue to waste valuable time and resources fighting these hoaxes when they can be used for better purposes such as making sure our communities across our nation are safe from true terrorist attacks in the future.

Mr. SCHIFF. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3209, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

#### COMMUNITY RECOGNITION ACT OF 2001

The Clerk called the bill (H.R. 1022) to amend title 4, United States Code, to make sure the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials.

The Clerk read the bill, as follows:

H.R. 1022

*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 "Community Recognition Act of 2001".

#### SEC. 2. FLAG CODE AMENDMENT.

Section 7(m) of title 4, United States Code, is amended by inserting after the sentence beginning "In the event of the death of a present or former official of the government of any State" the following: "In the event of the death of a present or former official of any city or locality, the chief elected official of that locality may proclaim that the National flag shall be flown at half staff".

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read for amendment.

#### COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the amendment recommended by the Committee on the Judiciary.

The Clerk read as follows:

Committee Amendment:

Page 2 line 9 insert "other."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) will each control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1022, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1022, which amends the flag code to make sure that the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials. This is an omission in the current flag code.

On June 28, 2001, the Corrections Day Advisory Group met and recommended that H.R. 1022 be placed upon the Corrections Calendar and the Judiciary Committee passed it by voice vote on November 15.

Unfortunately, as of late, we have had increased occasion to visit the rules and etiquette in place for the honoring of public servants. Although at the time which Mr. DOOLITTLE of California introduced H.R. 1022 the calamity of September 11 was far off, the content of this legislation rings more loudly after the events of that day, and affords Congress an opportunity to visit the laws involving recognition of those who provide public service to us all.

Currently, under the Flag Code, authority is granted only to the President of the United States or the Governor of any State, territory, or possession to order that the national flag be flown at half staff in recognition of the death of a current or former official of the government, including public safety officers.

Under this existing law, in the event of the death of a local official who is chosen to be

honored by having the national flag lowered, direct permission must be sought by local officials from either the President or their Governor. The result of the current practice is a chain of communication which is not always timely and can result in the missed opportunity to honor some of these deceased public servants.

By passing H.R. 1022 today, we can solve this problem by granting authority directly to the locally elected leaders to call for and approve such recognition. Immediate authorization will be granted at the local level, ensuring that no local hero passes without the community support and recognition which he or she deserves. I urge all Members to support H.R. 1022.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation, H.R. 1022, and I am delighted that the Committee on the Judiciary has taken this legislation up to ensure a correction.

I do not believe particularly that we need this legislation, but I do think it is important to correct and to resolve the concerns of some local leaders who are under the mistaken impression that they cannot now fly the flag of the United States at half-staff to honor the passing of a local official.

In fact, as the Supreme Court has ruled on several occasions, Congress does not have the power to prohibit any expression using the flag. The Court has gone so far as to strike down laws prohibiting the burning of the flag as a sign of disrespect. Certainly, if that is the case, then a local government may honor a local official, which is certainly an appropriate and uplifting use of the flag, who has served his or her community by flying the flag at half-staff. We hope they will do so.

Nonetheless, title IV of the United States Code does provide rules for flag etiquette. While those rules have no force of law, they do provide a guide for those seeking to display the flag in accordance with the accepted rules of conduct.

In fact, I commend those rules to my colleagues. I think some may be surprised to learn that using the flag on advertising and others matters common to political campaigns are also technically prohibited by Federal law. Although local officials are not now prohibited from using the flag to honor a deceased local official, it will certainly do no harm to make clear that there is no reason why my colleagues should not support it. I would commend that to the local officials.

I hope that since we have obviously found time to pass laws permitting that which should already be permitted, perhaps we will also in the future be able to tackle some of our vital issues dealing with, of course, INS reform and other issues that I think are extremely important.

Mr. Speaker, I rise in support of this legislation, not because there is any great need for

it, but because it will resolve the concerns of some local leaders who are under the mistaken impression that they cannot now fly the flag of the United States at half staff to honor the passing of a local official.

In fact, as the Supreme Court has ruled on several occasions, Congress does not have the power to prohibit any expression using the flag. The Court has gone so far as to strike down laws prohibiting the burning of the flag as a sign of disrespect. Certainly, if that is the case, then a local government may honor a local official who has served his or her community by flying the flag at half staff.

Nonetheless, title 4 of the United States Code does provide rules for flag etiquette. While these rules have no force of law, they do provide a guide for those seeking to display the flag in according to accepted rules of conduct. In fact, I commend those rules to my colleagues. I think that some of you may be surprised to learn that using the flag on advertising and in other manners common to political campaigns are also technically prohibited by federal law. Although local officials are not now prohibited from using the flag to honor a deceased local official it will certainly do no harm to make that clear, and there is no reason why my colleagues should not support it.

I hope that, since we have obviously found time to pass a law permitting that which is already permitted, perhaps we can next tackle some of the even more pressing issues affecting our constituents and their communities: providing health insurance for working families, extending unemployment insurance for the victims of this current recession, and creating new jobs at living wages so that working families can have the dignity of work without seeing their children grow up in poverty as is too often the case these days.

I am pleased to join in voting for this measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, Chairman SENSENBRENNER and Ranking Member CONYERS.

I rise in support of H.R. 1022, which simply authorizes the chief elected official of a locality, in the event of the death of a present or former official of that locality, to proclaim that the national flag shall be flown at half staff. This bill amends Title 4, United States Code, ensuring that the important rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials.

This Section currently gives such explicit authority only to the President or, for certain purposes, the Governor of the state. This language is unnecessary and technically confusing because the subsection also reads in part that the flag may be flown at half staff "in accordance with recognized customs or practices not inconsistent with law."

The U.S. Supreme Court has, on two occasions, held that display of the flag, or the burning of the flag, are forms of expression protected by the First Amendment to the Constitution. As such, laws that mandate appropriate flag etiquette are unenforceable.

This bill simply clarifies that there should be no such interference in such instances.

I urge my colleagues to support it.

Mr. CAMP. Mr. Speaker, I rise today in strong support of H.R. 1022, the Community Recognition Act of 2001.

As chairman of the Speaker's advisory group on corrections, it was my pleasure to

work with Congressman DOOLITTLE, the members of the corrections day advisory group and the Judiciary Committee to expedite consideration of this legislation.

On June 28th, Mr. DOOLITTLE brought H.R. 1022 before the Speaker's advisory group, where it received unanimous support. In order for a bill to be placed on the Corrections Calendar it must be recommended by the advisory group and favorably reported from the committee of jurisdiction.

I am proud that we are able to highlight the Community Recognition Act today by using the Corrections Calendar. This is truly a technical correction and is fitting for consideration on the Corrections Calendar.

H.R. 1022 amends the U.S. Code, regarding rules of etiquette for flying the flag. Current law only grants the authority to order that the flag be flown at half mast to the President and State Governors. In the event of the death of a current or former local official, many communities want the flag to be lowered as a way to pay tribute to those who so honorably served. However, it can often prove difficult to obtain proper authority in the timely manner needed.

This oversight in the U.S. Code has prevented communities across America from the right to honor their fellow citizens without having to receive the express and time consuming permission of either the President or their Governor. I urge my colleagues to join with me today to correct this burdensome requirement.

The Corrections Calendar was created to fix small technical corrections, such as this. I would like to thank Chairman SENSENBRENNER for moving this bill through the committee and Congressman DOOLITTLE for introducing the legislation and for utilizing the Corrections Calendar.

Mr. Speaker, this is a straightforward, bipartisan bill that "corrects" an inefficient and burdensome law. I urge my colleagues to support the bill.

Mr. DOOLITTLE. Mr. Speaker, I rise today because the last duty performed to honor a local hero should not be thwarted by a technical flaw in the law. Let me explain. The Federal Flag Code provides guidelines for the display of the U.S. flag, but grants only the president and governors the authority to fly the flag at half-mast. While this code does not expressly outlaw local government officials from lowering the flag to half-staff, it does not expressly permit it. This technicality has upset local officials across the country who believe that communities should have the right to honor their fellow citizens without permission from their respective governors or the President of the United States.

This quirk in the Federal Flag Code came to my attention when my friend and constituent, former Mayor George Magnuson of Rocklin, California sought to honor his friend and fellow volunteer firefighter, Cliff Graves, who died in the line of duty. Shortly after speaking to Mayor Magnuson I realized that this needless hurdle had to be corrected. That prompted me to introduce H.R. 1022, The "Community Recognition Act." This simple, yet important, legislation authorizes the chief elected official of a locality, in the event of a death of a present or former official of that locality, to proclaim that the national flag be flown at half staff.

Mr. Speaker, at the time I introduced H.R. 1022, the tragedy of September 11th was unfathomable. But, in light of the thousands of

men and women who perished in those barbaric attacks now more than ever this simple correction needs to be made so they can be mourned in an appropriate fashion without undue delay.

I thank the Chairman of the House Judiciary Committee, Mr. SENSENBRENNER, for shepherding H.R. 1022 through his committee in an expeditious manner, and I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask my colleagues to support H.R. 1022, and I yield back the balance of my time.

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Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). Pursuant the rule, the previous question is ordered on the amendment recommended by the Committee on the Judiciary and on the bill.

The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, three-fifths of those present have voted in the affirmative.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendment to S. 1196, to amend the Small Business Investment Act of 1958, and for other purposes.

The Clerk read as follows:

Senate Amendment to House Amendment: Page 13 of the House engrossed amendment, strike out all after line 8 over to and including line 2 on page 16 and insert:

#### SEC. 6. REDUCTION OF FEES.

(a) TWO-YEAR REDUCTION OF SECTION 7(a) FEES.—

(1) GUARANTEE FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

“(C) TWO-YEAR REDUCTION IN FEES.—With respect to loans approved during the 2-year period beginning on October 1, 2002, the guarantee fee under subparagraph (A) shall be as follows:

“(i) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than \$150,000.