base regarding the work-authorization status of new employment applicants, instead of simply recording and retaining the numbers of documents that such applicants chose to submit. The Basic Pilot Program provides greater ease of verification for employers and employees and greater deterrence of the use of fraudulent INS and SSA documents.

Industries such as meat packing and food processing have stated an interest in cooperating with the INS to maximize its ability to ensure its interest in cooperating with the INS to maximize its ability to ensure its workforce is authorized. Many believe that while the program does not provide 100 percent deterrence of persons seeking unauthorized employment, it is far superior to the current practice of recording in I-9 forms the numbers of documents physically presented by new employees.

I support this legislation because it is needed because Section 401(b) of the 1996 Act states that "the . . . Attorney General shall terminate a pilot program at the end of the 4-year period beginning on the first day the pilot program is in effect." H.R. 3030 extends the life of the program by two years, from four years to six years. This pilot program enhances the current I-9 form employment verification process by providing employers with greater assurances that they are not hiring unauthorized aliens and by establishing larger obstacles to aliens seeking to work illegally. I support this legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I have no further speakers, and I am prepared to yield back if the gentlewoman from Texas (Ms. JACKSON-LEE) does the same.

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

Let me just conclude by simply adding that I hope as we pass this legislation we will be able to as well bring to finalization 245(I) that helps with family unification; that we will realize that immigration issues are separated from those who would promote and do harm to the United States versus those who are hungry to be in a country that provides opportunity and democracy.

I would hope that we would look to the issues of earned access to legalization as we look to border safety and protection, work of the enhanced temporary worker program and continue to work against unfair discrimination against legal immigrants as we look to put this country on sure footing, fighting the terrible terrorists, but as well recognizing the value of immigrants who have come to this country and contributed with hard work and sincere commitment to our values and our principles.

I ask that my colleagues support H.R. 3030.

Mr. LATHAM. Mr. Speaker, today I rise to commend the judiciary committee on a job well done and ask for the expedient passage of H.R. 3030, a bill to extend the basic pilot employment verification program. This bill will reauthorize the recently expired program for an additional two years at minimal cost to the government.

H.R. 3030 will further the aims of this body by encouraging greater cooperation between industry and the federal government—something I believe my colleagues on both sides of the aisle can support.

This program, originally the brain-child of my good friend Representative KEN CALVERT, allows eligible employers to use a joint Immigration and Naturalization Service (INS)—Social Security Administration (SSA) database to verify that prospective employees are employable under existing law. Furthermore, it has the desirable effect of providing greater ease of verification for employers and greater deterrence to those who would fraudulently use legal documents.

Currently used by approximately 1,758 companies in the states of California, Florida, Illinois, Nebraska, New York, and Texas, as well as facilities owned by these companies in states not explicitly covered, this program has been beneficial to industries ranging from meat packing to direct mail.

As we continue to debate INS reform, I believe it is incumbent upon us that we reauthorize programs that have been successful and recognize these programs as the model for such future efforts.

Mr. CALVERT. Mr. Speaker, I stand today in strong support of this important legislation. In 1994, during my first term in Congress I introduced a bill to create a system now known as the Basic Pilot Program. Representing a district very close to the U.S./Mexico border, I heard from many INS agents dissatisfied with the tools they were given to track illegal immigrants and from employers who wanted a way to verify the employment eligibility of prospective employees. As we discussed the means to develop such a system, one idea that kept cropping up was a simple 1–800 telephone number that businesses could use to verify the Social Security numbers of people they had hired.

In 1996, I was successful in getting the Basic Pilot Program included in the Immigration Reform Act and I am pleased that companies across the country are now using the toll free verification line. I applaud my friend from Iowa for moving to extend the program. Now, more than ever, it is clear that we need to provide tools that will help the INS track people in this country illegally.

Even while this program continues, we will be working together to ensure that the INS meets the requirements of the 1996 law. I have asked INS to complete their report on the Basic Pilot Program and will work with the Service, the gentleman from Iowa and the Chairman of the Committee on ways to improve and expand the program to all fifty states.

Again, I would like to thank the gentleman from Iowa for introducing this key legislation and would urge all my colleagues to vote for its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). 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. 3030, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to extend the basic pilot program for employment eligibility verification, and for other purposes.".

A motion to reconsider was laid on the table.

ANTI-HOAX TERRORISM ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3209) to amend title 18, United States Code, with respect to false communications about certain criminal violations, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3209

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 "Anti-Hoax Terrorism Act of 2001".

SEC. 2. HOAXES AND RECOVERY COSTS.

(a) PROHIBITION ON HOAXES.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1036 the following:

"§ 1037. False information and hoaxes

"(a) CRIMINAL VIOLATION.—Whoever engages in any conduct, with intent to convey false or misleading information, under circumstances where such information may reasonably be believed and where such information concerns an activity which would constitute a violation of section 175, 229, 831, or 2332a, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) CIVIL ACTION.—Whoever engages in any conduct, with intent to convey false or misleading information, under circumstances where such information concerns an activity which would constitute a violation of section 175, 229, 831, or 2332a, is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

"(c) REIMBURSEMENT.—The court, in imposing a sentence on a defendant who has been convicted of an offense under subsection (a), shall order the defendant to reimburse any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses. A person ordered to make reimbursement under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered to make reimbursement under this subsection for the same expenses. An order of reimbursement under this subsection shall, for the purposes of enforcement, be treated as a civil judgment.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding after the item for section 1036 the following:

"1037. False information and hoaxes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. SCHIFF) each will control 20 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 include extraneous material on H.R. 3209, the bill presently under consideration.

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

There was no objection.

□ 2200

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

Mr. Speaker, H.R. 3209 would impose civil and criminal penalties to deter and punish a person or persons for perpetrating a hoax that others could reasonably believe is or may be a biological, chemical, nuclear attack, or an attack using some other type of weapon of mass destruction.

Mr. Speaker, today is a very important day to this Nation in many respects. It has been 3 months since New York and the Pentagon were turned into Ground Zero and our national innocence was shattered. Since that time, anthrax and the U.S. mail have become synonymous; monthly Federal warnings about new terrorist attacks have become expected; and a heightened level of alertness on the part of the American people has become necessary.

In the wake of September 11, 2001, and the anthrax attacks, the news media has graphically described the likely devastation caused by chemical, biological, or nuclear attacks on our citizens and on our country. America is in a state of high alert, and this has brought both apprehension and new responsibility.

Due to these concerns, Americans are responsibly reporting suspicious behavior and events to the authorities. This is necessary to protect our country and our freedoms. Unfortunately, while our emergency responders and law enforcement are stretched to the limits responding to real threats, they have had to respond to an increased number of hoaxes. These hoaxes are not meant to be funny; rather, they are meant to terrorize and to frighten.

These hoaxes distract Federal, State, and local law enforcement, criminal investigators, and emergency responders from real crises and real threats. As a result, they place both the public and our national security at risk.

Amazingly, the criminal code does not always cover such crimes. While under current law it is a felony to commit a hoax with regard to tampered food products, it is not necessarily a felony to commit a hoax that scares the public into believing that they have been exposed to a deadly disease such as anthrax, a disease that has been militarized and used to kill innocent Americans since September 11.

H.R. 3209, the Anti-hoax Terrorism Act of 2001, closes the existing gap. This is important and necessary legislation, as it will make it a felony to perpetrate a hoax related to biological, chemical, nuclear, and weapons of mass destruction attacks. The person or persons committing such a hoax will be subject to civil and criminal penalties and responsible for reimbursement of any emergency or investigative expense due to the hoax.

The Department of Justice and the FBI have testified before the Subcommittee on Crime and made it clear that these types of hoaxes threaten the health and safety of the American public and our national security.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

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

Mr. Speaker, I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his leadership on this issue, and I would also like to extend my appreciation to the chairman of the Subcommittee on Crime, the gentleman from Texas (Mr. SMITH), for introducing this bill and for all of his leadership on this issue.

I am proud to serve as a member of the Subcommittee on Crime where the bill was first heard, and also to be a cosponsor of H.R. 3209.

Mr. Speaker, our communities are struggling every day to meet the demands of our citizens and prepare for all kinds of potential terrorist attacks. They are working around the clock to develop and strengthen protocols to respond swiftly and safely in the event of an attack.

But our communities are doing all of this with very limited resources. Every time a threat is identified, authorities spring into action, donning protective gear, bolstering hospital staffing, coordinating local, State, and Federal efforts, and calling upon additional law enforcement personnel to respond.

These reports from our citizens are critical. We certainly want to encourage people to continue to be vigilant and report suspicious activity. A false alarm, however, is a false alarm. But every time a suspected threat turns out to be a hoax, it costs the taxpayers an enormous amount.

In Los Angeles, a man who phoned in an anthrax threat because he wanted to avoid appearing in bankruptcy court that day, his call succeeded in shutting down the court and the courthouse, and cost taxpayers $600,000.

In addition to closing down the very functioning of government, it is a tremendous waste of our precious resources. The resources that could be going into prevention and training are wasted. The manpower that is required to respond to a hoax is wasted. The funding that could be used to hire additional emergency personnel is wasted.

While millions of dollars are going into the effort to combat terrorism, we frankly do not have a dollar to waste. We simply cannot allow reports that come from hoaxes to clog up the investigation of other potentially life-threatening dangers. Our citizens need to be acutely aware that hoaxes have consequences. It shakes our sense of safety; the fear that many citizens are struggling to cope with continues to grow as a result of hoaxes; there are financial consequences; and there are community consequences. There ought to be criminal consequences.

The Anti-Hoax Terrorism Act of 2001, H.R. 3209, would create criminal and civil penalties for falsely reporting a chemical, biological, or nuclear threat. This would include threats that are in written or verbal form, as well as those communicated through physical actions. It is legislation that should not be necessary, but, regrettably, is certainly needed now. Those who would prey on the fears of the American public should be punished.

As America works to regain its footing and return to as much of a normal life as possible, hoaxes only serve as a cruel joke on the American public. Those who would commit the ultimate prank on this Nation must be aware that they are, in effect, serving as accomplices to terrorism. They are interrupting murder investigations, and they are obstructing justice.

According to the FBI, there are an estimated 7,000 agents spread out across the country investigating possible sources and suspects in the anthrax attacks. Can we really afford to have even one of those agents pulled off the killer's trail because of a hoax?

Mr. Speaker, we cannot allow these hoaxes to go unchallenged. We do not have a minute to waste, we do not have a dollar to waste, we do not have an investigator to waste, we do not have a citizen to waste. The time for anti-hoax legislation is now. I urge the House to adopt the strongest possible measure.

Again, I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Texas (Chairman SMITH) for bringing this bill to the floor today.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is a good bill. I rise to support this legislation.

I met with my emergency first responders a few days after September 11 and then sometime after the beginning of the anthrax scares around the Nation. The hazardous materials team in my Houston Fire Department in just a couple of days had some 75 calls of individuals who thought they saw or thought they were reporting the sight of anthrax.

Those are innocent calls, but they do take up a lot of the resources of our first responders and our community resources. Those individuals, however, should not be prosecuted.

My concern with this legislation is to ensure that that does not happen. I am hoping that the legislative history and the debate in the committee will make

it clear that our intent in this legislation is to ensure that those with criminal intent, to do harm by calling in hoaxes and frightening communities, should be punished. I agree with that.

I offered an amendment, however, to be sure that that was the case; that the hoax would be perpetrated with malicious intent. That amendment was not approved, but I believe there was sufficient discussion in the committee to suggest that those that we are attempting to prosecute are those with criminal intent.

For example, we would hope that the incident of a local prosecutor in Chicago who recently placed an envelope containing sugar on a colleague's desk, who was administratively punished by being forced to resign from his job, would not be subject to this particular legislation. The prank demonstrates poor taste and bad judgment, but he should not be subject to Federal prosecution.

Likewise, our youth should not be subject to Federal prosecution if they are engaged in a prank, of course, that we would not approve of, but certainly that did not have the criminal intent.

I think it is important, Mr. Speaker, that as we move through these very trying times, that we can be aware that we can balance legislative intent with protecting Americans. I hope that this House will have an opportunity to address some of the executive orders that deal with the violation of the sixth amendment that allows the Justice Department to listen in on those who are addressing or having a relationship with their attorney.

At the same time, I hope we will be able to address the question of the thousands of detainees who are being detained by the Justice Department, and I hope we will also have an ability to address in this House military tribunals. We can protect Americans, provide legislation that makes sense, and at the same time, uphold our Constitution, our Bill of Rights, and our values.

I support the Anti-Hoax Terrorism Act of 2001. It is a well-thought-out bill. It has had hearings in the Committee on the Judiciary. I think we need to do more as it relates to other offerings of legal representations that have not had the oversight of the United States Congress.

Mr. Speaker, I rise in support of H.R. 3209, the Anti-Hoax Terrorism Act of 2001. I feel this bill could have been more narrowly tailored as it went through the Subcommittee on Crime, and subsequently the full Committee on the Judiciary. However, in light of the exponentially increasing amounts of bioterrorism threats that have occurred since September 11, I strongly favor a Federal anti-hoax provision now more than ever.

H.R. 3209 creates a Federal criminal penalty and a civil cause of action for anyone who conveys intentionally any false information about a threat involving biological, chemical, or nuclear weapons or weapons of mass destruction.

Mr. Speaker, the purpose of this bill should not be to prosecute innocent mistakes or someone making a report concerning a suspected substance, but rather to deliberate and malicious hoaxes reported by individuals who know they are disseminating false information.

In Committee, I offered an amendment that would require the government to prove that the hoax was perpetrated with ''malicious'' intent. This requirement would have been analogous with the mens rea requirement of similar legislation introduced in the Senate by Senator LEAHY, Chairman of the Senate Committee on the Judiciary.

H.R. 3209, as written, does not require that the offenses be committed with malicious intent. This could result in Federal prosecutions of individuals who simply disseminate erroneous information about potential acts of terrorism.

Also subject to Federal prosecution under this bill would be incidents that amount to nothing more than mere jokes. A local prosecutor in Chicago recently placed an envelope containing sugar on a colleague's desk. He was administratively punished by being forced to resign from his job. While I believe this prank demonstrates poor taste and bad judgment, this should not be subject to Federal prosecution.

The language in my amendment would have given prosecutors a means to distinguish between a person who is actually threatening to use anthrax on a victim on one hand, and a person who never intends to use it, but truly wants the victim or police to think they have done so. The latter is what we are trying to prevent.

My colleagues on the other side have said we should simply ''trust'' and ''have hope'' that Federal prosecutors will exercise their discretion and avoid prosecuting hoax cases. I don't believe we should rely on a ''hope'' for good judgment and discretion when this bill could have been more narrowly tailored to avoid capriciousness.

Nevertheless, Mr. Speaker, especially in this time of national crisis, I support the effort to punish people who perpetrate hoaxes involving biological, chemical, or nuclear materials or other weapons of mass destruction. We must act immediately to provide law enforcement with the tools it needs to address this problem.

Mr. SMITH of Texas. Mr. Speaker, as Chairman of the Subcommittee on Crime, I support H.R. 3209, the ''Anti-Hoax Terrorism Act of 2001,'' a bipartisan bill I introduced along with Chairman SENSENBRENNER and ranking Members Mr. CONYERS and SCOTT.

Tragically, some have used the shadow of fear cast by the September 11th and the subsequent anthrax attacks to terrorize others with hoaxes of biological and chemical attacks.

The purpose of H.R. 3209 is to address this serious and growing problem. Under current law, it is a felony to perpetrate a hoax such as falsely saying there is a bomb on an airplane. It is also a felony to communicate a threat over interstate commerce threatening personal injury to another.

However, if the hoax pertains to a biological or chemical weapons attack instead of a bomb or does not contain a specific threat, then the law may not apply. This is clearly a gap in existing law that must be closed.

If someone places white powder on a computer with a note that ''this is anthrax'' or send white powder through the mail, such conduct may cause panic but not violate Federal law. And no federal law is violated when the government spends time, money, and effort responding to such hoaxes. But public safety is threatened when resources are diverted from investigating legitimate threats.

This legislation makes it a felony to perpetrate a hoax related to biological, chemical, and nuclear attacks. If a hoax causes a hospital to be evacuated, people could die; if a hoax causes a business to close, people could lose their jobs; and if a hoax preoccupies law enforcement officials, the public is denied protection from other crimes.

A hoax of terrorism threatens public safety and national security, overburdens law enforcement officials and emergency workers and chips away at the Nation's morale.

As we are reminded today, the three-month anniversary of the attacks against the World Trade Center and the Pentagon, America is engaged in a war on terrorism. Those who rely on fear as a weapon, should be held responsible for their actions.

H.R. 3209 imposes criminal and civil penalties that reflect the serious nature of these hoax crimes.

I urge my colleagues to support H.R. 3209.

Mr. BRADY of Texas. Mr. Speaker, I would like to express my strong support for H.R. 3209, ''The Anti-Hoax Terrorism Act of 2001.'' I am a co-sponsor of this important and necessary legislation which was introduced by my good friend and fellow Texan, LAMAR SMITH and is a step in the right direction. Making it a felony to perpetrate a hoax related to a biological, chemical or nuclear attack and making those who engage in this conduct liable for the expenses caused as a result of their fraudulent action brings these criminals to justice and makes them responsible for their terrible actions. It is important that our nation address this issue so that those misguided individuals who choose to perform such fraudulent acts are prosecuted to the fullest extent of the law and those that consider performing these same acts are deterred from doing so.

I know from first hand experience how costly these fake anthrax hoaxes can be. On October 15th, The Memorial Hermann Hospital, in my hometown of The Woodlands, Texas, was closed for several hours after a false anthrax scare. Sandee Sherf, a resident of Magnolia, Texas and a constituent of the 8th Congressional District, received a strange package at her place of business. When she opened the package, a white substance flew up in her face and she inhaled it. She immediately went to the emergency room at Memorial Hermann, where the whole hospital subsequently shut down for about five hours as a precautionary measure.

Fortunately, the tests for the substance suspected of being anthrax proved to be negative but the cost of responding to this false incident has proved to be costly financially and in other ways. The Federal Bureau of Investigation and the Shenandoah Police Department both expended valuable man hours investigating this incident. The Woodlands Fire Department had to decontaminate the entire area where the incident occurred and the emergency room where Ms. Sherf went for treatment. Most disturbing was the fact that Memorial Hermann Hospital had to withhold its valuable services from the community for several hours while decontaminating its facilities. Patients in need of medical treatment with real illness were

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