

Helen Thomas, one of the press persons at the White House, pressed that question to Ari Fleischer. Of course, there was not an answer. Yes, there is terrorism of which we have the world supporting our efforts against terrorism. But why can this Nation not, as it has done in the past, in the tradition of Jimmy Carter who won the Nobel Peace Prize, likewise begin a discussion of world peace, speaking to our allies and enemies as well, as my constituent asked the question, why not peace? Why is there shame in bringing that to the forefront of the American public so that even as we fight the issue of terrorism, we can stand aside from this question of war, allowing the U.N. inspectors to go in?

Why not peace? Why not a discussion?

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 11, 2002.

Hon. J. DENNIS HASTERT,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 11, 2002 at 10:42 a.m.

That the Senate agreed to conference report H.R. 5011;

That the Senate passed without amendment H.J. Res. 113;

That the Senate passed without amendment H.J. Res. 114;

That the Senate passed without amendment H.J. Res. 122;

That the Senate passed without amendment H. Con. Res. 411.

With best wishes, I am

Sincerely,

JEFF TRANDAH, L,  
Clerk of the House.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Friday, October 11, 2002:

House Joint Resolution 122, making further continuing appropriations for the fiscal year 2003, and for other purposes.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

#### PER-PUPIL EXPENDITURE REQUIREMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES

Mr. CULBERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5599) to apply guidelines for the determination of per-pupil expenditure requirements for heavily impacted local educational agencies, and for other purposes.

The Clerk read as follows:

H.R. 5599

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

#### SECTION 1. PER-PUPIL EXPENDITURE REQUIREMENT FOR NEW HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Section 8003(b)(2)(C)(i)(II)(bb) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(c)(i)(II)(bb)) is amended to read as follows:

“(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of generally comparable local educational agencies (determined according to the procedures described in section 222.74(b) of title 34, Code of Federal Regulations, as such section was in effect on January 1, 2000) in the State in which the local educational agency is located; and”.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on September 30, 2001, and shall apply with respect to fiscal year 2002, and all subsequent fiscal years.

#### SEC. 2. ELIGIBILITY OF BONESTEEL-FAIRFAX SCHOOL DISTRICT IN BONESTEEL, SOUTH DAKOTA.

The Secretary of Education shall deem the local educational agency serving the Bonesteel-Fairfax school district, 26-5, in Bonesteel, South Dakota, to be eligible in fiscal year 2003 for a basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)).

#### SEC. 3. APPLICATION OF CENTRAL SCHOOL DISTRICT, SEQUOYAH COUNTY, OKLAHOMA.

Notwithstanding any other provision of law, the Secretary of Education shall treat as timely filed an application filed by Central School District, Sequoyah County, Oklahoma, for payment for federally connected students for fiscal year 2003, pursuant to section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703), and shall process such application for payment, if the Secretary has received such application not later than 30 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CULBERSON) and the gentleman from New York (Mrs. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. CULBERSON).

#### GENERAL LEAVE

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5599.

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

There was no objection.

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

Mr. Speaker, it is my privilege today to rise in support of H.R. 5599, which is a noncontroversial and very straightforward piece of legislation to make technical amendments to the Impact Aid program. I want to thank the gentleman from South Dakota (Mr. THUNE) for sponsoring this legislation and for his diligence in bringing this bill before the House today.

This legislation makes three technical and, as I say, very noncontroversial corrections to the Education Code. First, the bill will correct a drafting error that occurred during the reauthorization of the Impact Aid program. This technical correction will allow the Department of Education to continue to use their current methodology in interpreting regulations, the process by which they determine which small school districts qualify for heavily impacted status.

Secondly, the bill will allow the Bonesteel-Fairfax School District in South Dakota to continue to remain eligible to receive Impact Aid funding for 1 year, to allow them to resolve a financing issue at the local level that would otherwise have a significant impact on their budget. Districts such as this one have a great deal of federally or nonprivately owned property. Therefore, this Impact Aid funding is essential for them to continue to operate at funding levels that they have already budgeted for. So this is a very, very important correction that is vitally necessary.

Finally, Mr. Speaker, this legislation requires the Department of Education to accept as timely filed a late application from a school district in Oklahoma that will allow them to continue to receive their Impact Aid funding on time.

This legislation is very simple and straightforward, Mr. Speaker. It is a technical bill that contains technical corrections to the Education Code. We on the Committee on Education and the Workforce wanted to be certain that any errors that occurred during the drafting process were corrected and any school district that might suffer as a result of changes or potential misinterpretation of the Impact Aid formulas would be corrected by this legislation.

I again want to thank the gentleman from South Dakota for offering this legislation, and I want to urge my colleagues in the House to support it.

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

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5599. This legislation makes several technical fixes to the Impact Aid program.

First, the bill clarifies Department of Education policy that small school districts can use other local school districts to determine their eligibility for

heavily impacted payments. This corrects a technical error in the 2000 reauthorization of Impact Aid.

Second, the bill maintains the eligibility of a school district in South Dakota for heavily impacted status for 1 year.

Third, H.R. 5599 permits Central School District in Oklahoma to file their fiscal year 2002 Impact Aid application despite having not filed this application before the deadline.

This legislation is similar to other bills this House has passed when technical fixes to the Impact Aid statute were needed in the past. I urge all Members to support this legislation.

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

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

I urge support for this important legislation by the Members of the House. It is noncontroversial and simply technical corrections.

Mr. THUNE. Mr. Speaker, as a member of the Impact Aid Coalition Steering Committee, I want to thank Chairman BOEHNER for supporting this bill to make technical corrections to Impact Aid as it applies to two small local education agencies in South Dakota.

My state places a high emphasis on quality public schools, and South Dakotans know the value of a quality education. The federal Impact Aid Program plays a big role in improving schools on or near Federal lands in my state.

South Dakota is proud to be home of the Mt. Rushmore National Memorial, Black Hills National Forest, Buffalo Gap and Fort Pierre National Grasslands, Badlands National Park, and nine Sioux Indian reservations. In fact, nearly 17 percent of South Dakota is Federal land—we rank 13th in the nation.

Thirty-four school districts throughout South Dakota rely heavily on Impact Aid funding to provide education to children on or near the Federal lands in my state. In all, this program in South Dakota impacts over 32,000 students.

While H.R. 5599 makes only small technical corrections, the impact of this bill on the Isabel and Bonesteel-Fairfax School Districts in South Dakota will be significant.

The Isabel School District is located in the Cheyenne River Sioux Reservation in north-central South Dakota. H.R. 5599 will ensure that the Impact Aid Program Office correctly follows the methodology for determining comparable per pupil expenditure levels for heavily impacted school districts as provided in current regulations. This will guarantee placement in the correct "heavily impacted" category where they belong.

The Bonesteel-Fairfax School District in south-central South Dakota will lose one-third of their total budget unless H.R. 5599 provides a waiver that allows them to correct a mistake made when calculating their local funding request.

These provisions within H.R. 5599 will have a real impact on hundreds of students in some of the poorest, most heavily impacted school districts in America.

Mr. Speaker, I want to again thank Chairman BOEHNER and his staff for their help to ensure that these students will receive adequate Impact Aid funding.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CULBERSON) that the House suspend the rules and pass the bill, H.R. 5599.

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

A motion to reconsider was laid on the table.

□ 1415

#### PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1339) to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

The Clerk read as follows:

S. 1339

*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 "Persian Gulf War POW/MIA Accountability Act of 2002".

#### SEC. 2. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM PROGRAM.—The Bring Them Home Alive Act of 2000 (Public Law 106-484; 114 Stat. 2195; 8 U.S.C. 1157 note) is amended by inserting after section 3 the following new section:

#### "SEC. 3A. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM PROGRAM.

"(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an alien described in this subsection is—

"(A) any alien who—

"(i) is a national of Iraq or a nation of the Greater Middle East Region (as determined by the Attorney General in consultation with the Secretary of State); and

"(ii) personally delivers into the custody of the United States Government a living American Persian Gulf War POW/MIA; and

"(B) any parent, spouse, or child of an alien described in subparagraph (A).

"(2) EXCEPTIONS.—An alien described in this subsection does not include a terrorist, a persecutor, a person who has been convicted of a serious criminal offense, or a person who presents a danger to the security of the United States, as set forth in clauses (i) through (v) of section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)).

"(c) DEFINITIONS.—In this section:

"(1) AMERICAN PERSIAN GULF WAR POW/MIA.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'American Persian Gulf War POW/MIA' means an individual—

"(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Per-

sian Gulf War, or any successor conflict, operation, or action; or

"(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Persian Gulf War, or any successor conflict, operation, or action.

"(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

"(2) MISSING STATUS.—The term 'missing status', with respect to the Persian Gulf War, or any successor conflict, operation, or action, means the status of an individual as a result of the Persian Gulf War, or such conflict, operation, or action, if immediately before that status began the individual—

"(A) was performing service in Kuwait, Iraq, or another nation of the Greater Middle East Region; or

"(B) was performing service in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq.

"(3) PERSIAN GULF WAR.—The term 'Persian Gulf War' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law."

(b) BROADCASTING INFORMATION.—Section 4(a)(2) of that Act is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) Iraq, Kuwait, or any other country of the Greater Middle East Region (as determined by the International Broadcasting Bureau in consultation with the Attorney General and the Secretary of State)."

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the distinguished 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 S. 1339, the Senate bill currently 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, in the 106th Congress, the Bring Them Home Alive Act was enacted as Public Law 106-484. This law, sponsored by Senator BEN NIGHTHORSE CAMPBELL and the gentleman from Colorado (Mr. HEFLEY), offers refugee status to any national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union, who personally delivers into the custody of the United States Government a living American prisoner of war from the Vietnam War. It grants similar status to any national