

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

of North Korea, China, or states of the former Soviet Union who differs delivers a living American prisoner of war from the Korean War. Information regarding the act is broadcast by the International Broadcasting Bureau over the Voice of America and other broadcast services.

The Bring Them Home Alive Act signals our continuing dedication to all the Americans who served in the Vietnam and Korean wars. It shall be needed until all of our soldiers are accounted for. This bill amends the Bring Them Home Alive Act to broaden its coverage for the Persian Gulf War and any future hostilities in Iraq. There have been recent reports that Michael Speicher, a Navy pilot shot down over Iraq in 1991, may still be in Iraqi hands. We owe it to him and to all those who may be called to serve in the coming months to pass this bill.

The bill provides refugee status to a national of Iraq or a nation in the greater Middle East who personally delivers into the custody of the United States Government a living American prisoner of war from the Persian Gulf War or any successor conflict. To receive refugee status, the alien cannot be eligible for asylum on account of being a criminal, a terrorist, or a danger to the security of the United States. I urge my colleagues to support this bill.

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

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

Mr. Speaker, in light of the climate that we now face, calling upon our men and women in the United States military once again to defend our freedom and in the backdrop of the motion to instruct last week that recognized the importance of allowing our veterans to receive both their retirement benefits and other benefits simultaneously, there is no doubt that this Congress believes strongly in the fighting men and women of this Nation, and so I rise with enthusiastic support for this bill which will encourage the safe return of Navy pilot Captain Scott Speicher, the only person classified as a POW/MIA from the Gulf War of the early 1990's.

His status was changed from dead to MIA, and as well it was based upon last year's intelligence information that he survived his plane crash and is in prison in Baghdad, Iraq. Recently, he was reclassified as missing and captured. The amendment could also be used to encourage a return of POWs and MIAs if President Bush initiates a war against Iraq, as he currently plans to do.

A few years ago as a member of the Houston City Council, I was very proud to raise the first flag above Houston City Hall to recognize POWs and MIAs. This is an important component to recognizing but also dealing specifically with an individual now still lost. This bill will provide refugee status to the United States to any national of Iraq

or certain other Middle Eastern countries if they safely return an American POW/MIA from the Gulf War into the custody of the U.S. Government. The bill amends the Bring Them Home Alive Act of 2000, which provides the same benefits to citizens of Asian and former Soviet countries who safely return POW/MIAs from the Vietnam and Korean wars. The Senate Judiciary Committee already made an important amendment to the original language offered by Senator BEN NIGHTHORSE CAMPBELL to exempt alien terrorists, persecutors, and people who have been convicted of a serious offense and people who present a danger to the security of the United States from these benefits.

I know many Korean War veterans, including the gentleman from Michigan (Mr. CONYERS), the ranking member of this particular committee; and I want to commend Senator CAMPBELL, a fellow veteran of the Korean War, the gentleman from Michigan (Mr. CONYERS), fellow veteran and ranking member, for his initiative to ensure that our POW/MIAs come home.

Let me conclude by saying that we enthusiastically offer our support for this legislation initiative, and I ask my colleagues to support this legislation.

Mr. Speaker, I support this bill which will encourage the safe return of Navy pilot, Captain Scott Speicher, the only person classified as a POW/MIA from the Gulf War in the early 1990s. His status was changed from dead to MIA last year based on intelligence information that he survived his plane crash and is imprisoned in Baghdad, Iraq. Recently, he was reclassified as Missing/ Captured. The amendment could also be used to encourage the return of future POW/MIAs if President Bush initiates a war against Iraq, as he currently plans to do.

This bill will provide refugee status in the United States to any national of Iraq or certain other Middle Eastern countries if they safely return an American POW/MIA from the Gulf War into the custody of the U.S. government. The bill amends the "Bring Them Home Alive Act of 2000" which provided this same benefits to citizens of Asian and former Soviet countries who safely returned American POW/MIAs from the Vietnam and Korean wars.

The Senate Judiciary Committee already made an important amendment to the original language offered by Senator BEN NIGHTHORSE CAMPBELL to exempt alien terrorists, persecutors, people who have been convicted of a serious criminal offense, and people who present a danger to the security of the United States from these benefits.

As a Korean War veteran, I commend my fellow veteran Senator CAMPBELL for this initiative to ensure that our POW/MIAs come home.

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

Mr. SENSENBRENNER. 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 Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1339.

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

A motion to reconsider was laid on the table.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2155

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2155.

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

There was no objection.

#### SOBER BORDERS ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2155) to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port entry, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2155

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

#### SECTION 1. MAKING IT ILLEGAL TO OPERATE A MOTOR VEHICLE WITH A DRUG OR ALCOHOL IN THE BODY OF THE DRIVER AT LAND BORDER PORTS OF ENTRY.

*Section 13(a) of title 18, United States Code, is amended—*

*(1) by inserting "(1)" after "(a)"; and*

*(2) by adding at the end the following:*

*"(2) Whoever with a drug or alcohol in his or her body operates a motor vehicle at a land border port of entry in a manner that is punishable, because of the presence of the drug or alcohol, if committed within the jurisdiction of the State in which that land border port of entry is located (under the laws of that State in force at the time of the act) shall be guilty of a like offense and subject to a like punishment.*

*"(3) Any individual who operates a motor vehicle at a land border port of entry is deemed to have given consent to submit to a chemical or other test of the blood, breath, or urine of the driver by an officer or employee of the Immigration and Naturalization Service authorized under section 287(h) of the Immigration and Nationality Act (8 U.S.C. 1357(h)) for the purpose of determining the presence or concentration of a drug or alcohol in such blood, breath, or urine.*

*"(4) If an individual refuses to submit to such a test after being advised by the officer or employee that the refusal will result in notification under this paragraph, the Attorney General shall give notice of the refusal to—*

*"(A) the State or foreign state that issued the license permitting the individual to operate a motor vehicle; or*

*"(B) if the individual has no such license, the State or foreign state in which the individual is a resident.*

*"(5) The Attorney General shall give notice of a conviction of an individual under this section for operation of a motor vehicle at a land border port of entry with a drug or alcohol in the body of the individual, to—*

*"(A) the State or foreign state that issued the license permitting the individual to operate a motor vehicle; or*

*"(B) if the individual has no such license, the State or foreign state in which the individual is a resident.*