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No. 135

## House of Representatives

The House met at 12:30 a.m. and was called to order by the Speaker pro tempore (Mr. PENCE).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Senate:

WASHINGTON, DC,  
October 15, 2002.

I hereby appoint the Honorable MIKE PENCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3389. An act to reauthorize the National Sea Grant College Program Act, and for other purposes.

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 33 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PENCE) at 2 p.m.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God of land and seas, as well as the heavens and the earth, You sustain us in troublesome times. You guide the destiny of this Nation and companion each of us in the journey of life.

The Columbus holiday reminds us, Lord, of the determination and great courage You gave the great navigator and explorer, Christopher Columbus. His four voyages to the new world continue to inspire hope.

Ward off any hesitation and remove all obstacles, O Lord, that prevent us from realizing our dreams and making great discoveries in our times.

Enable the Members of Congress and all Americans whom they represent in government to look beyond the familiar and the comfortable so to move into the future unafraid.

Grant all the humility to place their trust in You, O God, and ready themselves to embrace the surprises You have prepared for our discovery today, tomorrow and forever. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. CULBERSON) come forward and lead the House in the Pledge of Allegiance.

Mr. CULBERSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar.

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

There was no objection.

### WHY NOT PEACE?

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, many of us had an opportunity to be in our districts over the last couple of days and to engage our constituents on what might have been the most momentous debate and decision that this Congress would make, at least in the early part of the 21st century, and that was debate we engaged in last week on the question of going to war with Iraq. All of us acknowledged that we came to this floor and expressed our viewpoints as we thought was best for the American people.

Over the weekend, of course, an enormous tragedy occurred in Indonesia. Americans are missing. Some lost their lives. But one of my constituents asked the question that I think is so very important that we raise again today: What about peace and the ability to be able to have that as a clarion call? Why is that so shameful that we as Americans, the most privileged and the most powerful, cannot raise the question of what about peace? What about discussions of peace and reconciliation?

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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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 TRANDAHL,  
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