

"Fear not, for I am with you; be not dismayed, for I am your God, I will strengthen you, yes, I will help you, I will uphold you with My righteous right hand." Amen.

#### THE JOURNAL

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

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

#### PLEDGE OF ALLEGIANCE

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

Mr. CASTLE 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.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion 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 after debate has concluded on all motions to suspend the rules, but not before 6:30 p.m. today.

#### RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT AMENDMENTS

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3216) to amend the Richard B. Russell National School Lunch Act to exclude certain basic allowances for housing of an individual who is a member of the uniformed services from the determination of eligibility for free and reduced price meals of a child of the individual.

The Clerk read as follows:

H.R. 3216

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

#### SECTION 1. EXCLUSION OF CERTAIN MILITARY BASIC ALLOWANCES FOR HOUSING FOR DETERMINATION OF ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS.

Section 9(b)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(3)) is amended by adding at the end the following: "For the two-year period beginning on the date of the enactment of this sentence, the amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who

is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for free or reduced price lunches under this Act."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

#### GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3216.

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

There was no objection.

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

Madam Speaker, to address the decline in the condition of military family housing, the Department of Defense initiated a housing program which would allow commercial contractors to replace traditional base housing with newly built or renovated privately managed base housing, so-called privatized housing.

Yet as this program is being implemented, the gentleman from Texas (Mr. RODRIGUEZ) brought to my attention a serious and unintended consequence of the program, children of junior enlisted personnel living in privatized housing were being denied free or reduced price meals at lunchtime. Due to DOD accounting changes, servicemembers receiving a housing allowance under the privatized housing program were being treated differently from those who were assigned traditional housing and not paid an allowance. This is because the income-based National School Lunch Program considered the housing allowance, but not the actual house income. For this reason, servicemembers living in traditional base housing at no cost were presumed to have less income than servicemembers of the same rank who received a housing allowance, but used those funds to pay a private contractor for rent and utilities.

Unfortunately, this distinction caused military families in privatized housing to exceed the income-based eligibility requirements for the school lunch program, and it resulted in the loss of the free or reduced price meals for their children. DOD intended the privatization housing program to provide quality housing at no out-of-pocket expense for servicemembers and their families. Unfortunately, these families are now finding that they will have to pay approximately \$75 per child

per month to replace the benefit that they received previously under the school lunch program.

This problem is further compounded by the fact that numerous State and Federal education, nutrition and technology programs are contingent on the number of children eligible for the school lunch program. As a result, entire school districts could be affected.

To adjust these problems, my legislation, H.R. 3216, amends the school lunch program to exclude the housing allowance of servicemembers in privatized housing for the determination of eligibility for free and reduced price meals. Although this only affects families at about 15 military installations currently, that number is expected to increase to about 70 installations, encompassing 70,000 housing units, including 450 units at the Dover Air Force Base in Dover, Delaware.

Our uniformed services are being asked to make tremendous personal sacrifices to ensure the defense of our Nation. I believe we should do all we can to improve the quality of life for the families they leave behind.

Madam Speaker, for that reason, I am pleased that we are considering this legislation today.

In conclusion, I thank the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for allowing this measure to come to the floor. I also thank the gentleman from Texas (Mr. RODRIGUEZ) and the gentlewoman from California (Mrs. DAVIS) for their personal interest and leadership on this issue. I urge an "aye" vote on this bill.

Madam Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this bill which will correct an unintended consequence of an important program. First, I would like to thank the gentleman from Delaware (Mr. CASTLE) for introducing this legislation. I also thank the chairman and ranking member of the Committee on Education and the Workforce for their consideration of this measure.

I raised this issue in the spring of this year, and I am happy to see that we have come to a reasonable conclusion. In an effort to leverage its limited quality life and resources, the Armed Services are privatizing military family housing. Such privatization of military family housing is a welcomed solution to a difficult problem in my district and across the Nation. However, as my colleague from Delaware mentioned, one of the unintended consequences of a well-intentioned program is the loss of income to school districts resulting from reduced eligibility for free and reduced school lunch programs.

Compounding this problem, numerous State and Federal education, nutrition and technology programs are contingent on the number of children eligible for the free and reduced meal program; and this program we all know well as title I. The program affects only a small number of military children today, but it will affect tens of thousands of military families and the schools their children attend as the military housing privatization program expands.

Many children and listed personnel living in the privatized housing are disqualified for eligibility for free and reduced price lunch. This is because the servicemember living in the privatized house has the basic allowance for earnings included on their earnings statement, although the money flows directly through the member to the private housing developer. This added income, which is not reported for members living in traditional on-base housing, causes many servicemembers' children to lose eligibility for free and reduced price meals because under Department of Agriculture rules, this amount is included as income in determining eligibility for free and reduced price school lunches. The Department of Defense adds the allowance to the pay statement to assist in accounting, but the servicemember loses.

Madam Speaker, let me explain. On a Sunday, a housing community is owned and operated by the military. And on Monday, the housing community is operated by a private company still on Federal land, but the servicemember, who never moved, is impacted by all this. Earlier this year, the superintendent of the Coronado school district, Dr. Marilyn Wheeler, first made me aware of this problem. She contacted me when she learned that as a result of the privatization of the Silver Strand housing area, her small district could lose more than \$90,000 in title I Federal funds which she already budgeted for in the 2001 and 2002 school year.

Title I funds have been utilized to improve school achievement at the Silver Strand School. Student achievement has steadily improved for the entire student body, and those identified as title I eligible have made significant gains in closing the achievement gap.

This year's funding would have hired a full-time certificated teacher to work with small groups of students below grade level in reading, language arts and math; and a half-time reading specialist to work one on one with students below the grade level in reading, and certificated staff to work with small groups of students before or after school in reading and math. With all of our hard work on education, it would really be a travesty to leave this problem unresolved.

Madam Speaker, I know that others around the country were facing similar

circumstances, and I contacted the Department of Defense, the Department of Agriculture and the Social Security Administration. Initially, the Department of Defense did not believe it was feasible to eliminate the housing allowance from the military leave and earnings statement because of the negative impact it would have on the entire housing privatization program. However, the Department now believes it is possible, although the change will take at least 16 months.

This bill will give DOD the time it needs to adjust its practices; and short of this effort, will correct the problem until it can be permanently fixed in the 2003 National School Lunch Reauthorization.

Madam Speaker, I urge my colleagues to support our schools and our military and vote "yes" on this legislation.

Madam Speaker, I reserve the balance of my time.

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

Mrs. DAVIS of California. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, in 1995, Congress took important steps to address the deterioration of conditions in housing by enacting the Military Housing Privatization Initiative. The program has expedited the renovation and construction of military family housing by having developers construct private family housing on Federal property, which is then made available to military personnel.

The unintended consequence of this worthwhile program is that children of many junior personnel living in privatizing housing are disqualified from being eligible for free and reduced price meals. The bill before the House today will temporarily solve the problem, and will ensure that 10,000 military children do not lose their eligibility for free and reduced price meals.

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A service member living in privatized housing has their housing allowance included on their monthly earnings statement even though the funding passes directly to the privatized housing developer. This reported housing allowance, which is not reported for members living in traditional on-base housing, causes certain service members' children to lose eligibility for free and reduced-price meals. So you have a certain person who receives the same wages but is housed in traditional types of homes, those kids can qualify; but the other kids that are in a different housing do not qualify. Compounding the problem, numerous State and Federal education, nutrition and technology programs are contingent on the number of children eligible

for the free and reduced-price meals program. And so both the schools suffer as well as the students suffer and families.

At Fort Hood, Texas, for example, the Army privatized nearly 6,000 housing units earlier this year. Because of the privatization effort, more than 1,000 children of Army families will lose eligibility for free or reduced-price meals. The Killeen, Texas, Independent School District would lose about \$1.1 million annually in State and Federal funding.

I want to take this time to thank the Military Impacted School Association for their efforts because they were out there in support of all the military schools throughout the country. Working with them, I contacted the Department of Defense to remedy this quality-of-life problem that they were encountering. The Department of Defense responded that it could not fix the problem without dismantling the entire housing privatization finance method that they had intact and suggested instead that Congress amend the national school lunch program. In October, I introduced legislation to amend the national school lunch program to permanently fix the problem.

The bill before the House today will fix the problem for 2 years with no cost, as estimated by the Congressional Budget Office. A permanent fix can then be addressed in the reauthorization of the national lunch program in the 108th Congress.

I want to thank Chairman BOEHNER of the Committee on Education and the Workforce and Subcommittee Chairman CASTLE for their efforts in introducing and expediting consideration of H.R. 3216. Without their strong support and the efforts of all the staff that have been extremely helpful, we would not be able to be here on the floor.

As members of the Armed Forces are fighting terrorism abroad and at home, I would urge my colleagues in the House of Representatives to pass H.R. 3216 unanimously. In these difficult times, the least we can do while these people are serving our country is to make sure that we take care of their children and their education.

Once again, I want to thank both chairmen and the gentlewoman from California (Mrs. DAVIS) for helping out in this effort. I think it is something that we have to come back in the 108th and make sure we take care of it completely. In addition to that, I know that there are about 16,000 housing projects that have been implemented. There is an additional 15,000 whose contracts are out. And then in the future we hope to improve the housing quality for all our military. We have over 51,000 housing projects, so it is an area that we really need to look at very seriously.

I once again thank very much both sides for this effort. The children will appreciate it.

Mrs. DAVIS of California. Madam Speaker, I yield myself such time as I may consume.

I want to thank my distinguished colleague from Texas. I know he has worked tirelessly on this issue. I appreciate all of that and so do the children in our school districts.

Madam Speaker, this is important bipartisan legislation that improves the quality of life of our service members, many of whom are deployed overseas in the face of danger, and removes a handicap to education faced by school districts across the Nation. I urge my colleagues to support this bill.

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

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

I thank the gentlewoman from California and the gentleman from Texas for their kind words and the concept of actually going forward with this. I agree with the gentlewoman from California, this is legislation which is of extreme importance, particularly in helping children who need the extra help in an income circumstance.

I would encourage everybody also to support the legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H.R. 3216. H.R. 3216 corrects a problem created by the Department of Defense housing allowance policy by exempting military housing allowances as income for the purpose of determining a student's eligibility for the National School Lunch Program. It will prevent the loss of free- and reduced-priced meal eligibility by school-age children of military when their family home becomes privatized, or when the family moves into a new, privatized home. This measure will take effect for two years from the date of enactment and a permanent fix is anticipated in the 2003 National School Lunch Act reauthorization.

Military personnel generally receive in-kind housing or a housing allowance. In-kind housing usually takes the form of housing on a military base. Several years ago, however, the Department of Defense initiated a pilot program that allowed private developers to build military housing on Federal land, or manage existing military base housing.

Currently, the Department of Agriculture treats this privatized housing allowance as income. The result is that a family's income is raised above the level needed to receive free- or reduce-price lunches. There is little distinction between these families and those living in regular civilian housing because military families living in these privatized housing sign their housing allowance over to the developer. Therefore, military families in privatized military housing should remain eligible for the National School Lunch Program.

We must remember that individual directly benefiting from the National School Lunch Program are the children. Mr. Speaker, we cannot take away these children's free- or reduced-price lunches because of some technicality they have no control over. These are innocent children who require the nourishment

to get them through the school day just like any other student. Especially now, when many American mothers and fathers are being called to war to defend our safety and freedom, we should not deny this benefit to their deserving children. For these children, I urge my colleagues to support H.R. 3216.

Mr. BOEHNER. Madam Speaker, recently, I was disheartened to learn that some children of the men and women who proudly serve our country in the U.S. armed services are unfairly losing their eligibility to receive free- and reduced-priced school meals. This is occurring for no reason other than that their family home is being privatized or they have been asked to move into a new, privatized military home. Because program eligibility is based on income, the additional compensation in the form of a housing allowance received by military personnel to pay for privatized military housing can result in the loss of meal benefits, although there is no real increase in salary or disposable income. In addition, schools attended by the children of military personnel could lose Federal and State education aid based on free- and reduced-priced meal counts, including their designation and funding as title I schools.

I support the Department of Defense' plan to improve the standards of military housing through privatization, but Congress must resolve this unintended consequence of the Department of Defense's housing policy before more otherwise qualified children lose access to free- and reduced-priced school meals.

H.R. 3216 addresses and solves this problem for the next two school years at no cost. By excluding housing allowances used to live in privatized military housing from income when determining a child's eligibility to receive a free- and reduced-priced lunch, we can restore and preserve this benefit for qualified military families.

Many of our service men and women take comfort in knowing that their children can receive a nutritious meal in school at little or no cost. Especially now, when many of our service men and women are being called to war to defend our safety and freedom, we should not deny this benefit to their deserving children.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 3216.

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.

#### GLOBAL ACCESS TO HIV/AIDS PREVENTION, AWARENESS, EDUCATION, AND TREATMENT ACT OF 2001

Mr. HYDE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2069) to amend the Foreign Assistance Act of 1961 to authorize assist-

ance to prevent, treat, and monitor HIV/AIDS in sub-Saharan African and other developing countries, as amended.

The Clerk read as follows:

H.R. 2069

*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 "Global Access to HIV/AIDS Prevention, Awareness, Education, and Treatment Act of 2001".

#### SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Joint United Nations Programme on HIV/AIDS (UNAIDS) more than 58,000,000 people worldwide have already been infected with HIV/AIDS, a fatal disease that is devastating the health and economies in dozens of countries in Africa and increasingly in Asia, the Caribbean region, and Eastern Europe.

(2) The HIV/AIDS pandemic has erased decades of progress in improving the lives of families in the developing world and has claimed 22,000,000 lives since its inception.

(3) More than 17,000,000 individuals have died from HIV/AIDS in sub-Saharan Africa alone.

(4) The HIV/AIDS pandemic in sub-Saharan Africa has grown beyond an international public health issue to become a humanitarian, national security, and developmental crisis.

(5) The HIV/AIDS pandemic is striking hardest among women and girls. According to UNAIDS, by the end of 2000, fifty-five percent of the HIV-positive population in sub-Saharan Africa and 40 percent of such population in North Africa and the Middle East were women, infected mainly through heterosexual transmission. In Africa, 6 out of 7 children who are HIV positive are girls.

(6) An estimated 1,400,000 children under age 15 were living with HIV/AIDS at the end of 2000, of which 1,100,000 were children living in sub-Saharan Africa. An estimated 500,000 children died of AIDS during 2000, of which 440,000 were children in sub-Saharan Africa. In addition there are an estimated 13,200,000 children worldwide who have lost one or both of their parents to HIV/AIDS, of which 12,100,000 are children in sub-Saharan Africa.

(7) Mother-to-child transmission is the largest source of HIV infection in children under age 15 and the only source for very young children. The total number of births to HIV-infected pregnant women each year in developing countries is approximately 700,000.

(8) Counseling and voluntary testing are critical services to help infected women accept their HIV status and the risk it poses to their unborn child. Mothers who are aware of their status can make informed decisions about treatment, replacement feeding, and future child-bearing.

(9) Although the HIV/AIDS pandemic has impacted the sub-Saharan Africa disproportionately, HIV infection rates are rising rapidly in India and other South Asian countries, Brazil, Russia, Eastern European countries, and Caribbean countries, and pose a serious threat to the security and stability in those countries.

(10) By 2010, it is estimated that approximately 40,000,000 children worldwide will have lost one or both of their parents to HIV/AIDS.

(11) In January 2000, the United States National Intelligence Council estimates that