especially mobile home parks. And it is a special way of life. That is the reason they move to this area of Florida, is to live with their peers,

You have to be in a senior-only housing project to get a better idea of what it means to them. Mobile homes are close to each other, they share so much of their lives together as they get older. They can rely only on their neighbors to provide transportation. They have activities and programs specifically to their needs. They want to preserve this way of life. It is very, very important. And that is the reason I feel very strongly that we need to pass this legislation.

The election last year was a message to Congress and Washington to stop trying to micromanage our lives. And this is one of the many things that shows that they are trying to micromanage our lives.

I am very familiar with this issue. My grandparents moved to Florida back in the 1940's to live in a trailer park, the Bradenton Trailer Park they moved into in 1947 or so. I saw them mature and finish and retire and stay in that mobile home park. They retired to that mobile home park. It was a trailer park in those days. But it was a way of life that was very important in their final years of their lives. So it means so much to so many people in my district.

But the problem was in the 1988 legislation, when they put in legislation where they have the words significant and specific, that is significant facilities and services that are specifically designed, that is a dream word to the bureaucrats and lawyers here in Washington, to be able to define what is significant and what is specific. And they had a grand old time doing it.

Last summer, last July, they came out with 60 pages of regulations to interpret this one sentence. They had hearings. I have to commend HUD, they went around the country to hold hearings. They had one in Tampa. They had almost 3,000 people at this hearing in Tampa that I attended, and the gentleman from Florida [Mr. CANADY] was present there, and they started explaining about congregate meals and all these expensive things that is going to make these senior-only facilities not capable of maintaining and following the regulations. It was a disaster, and actually they realized it.

So when Assistant Secretary Altenberg came to the area, she actually saw these mobile home parks and said, ''Golly, I didn't realize what it means to be in these senior-only programs.'' So they came back and changed them.

So I commend HUD for doing that, and I commend my colleague the gentleman from Florida [Mr. STERNS], for being on top of this issue and encouraging HUD to get manageable, understandable, and livable regulations.

But they came back and they changed the regulations and just issued them a few weeks ago, and it is much better, a big improvement. But it is still micro-management and getting into the affairs and lives of our senior citizens, and it is wrong. Fortunately, this was included in our Contract With America, and I thank my colleagues on the Republican side for including it in the contract. There is wide bipartisan support here in the House of Representatives.

Unfortunately, the administration just does not get it yet. At a Committee on the Budget meeting recently, Secretary Cisneros was trying to defend why we need to have these regulations. They just do not get it yet. The AARP just 2 weeks ago finally got the message and came over to support the Clay-Shaw bill that we are going to be voting on shortly. Thank goodness we have got it this far. At least we have the AARP to say hey, the election last November meant something.

So I am glad to say we are keeping our promises, we are going to vote to approve this, we are going to get Washington out of the lives of our senior citizens back in senior communities, and we are going to let seniors go on and enjoy their retirement years in these senior communities.

Mr. Chairman, I urge my colleagues to support H.R. 660.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to a distinguished new Member, the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Speaker, I thank the gentleman so much for this time.

Mr. Speaker, I realized that so much of what I thought I would have to come do when I got here, others were starting to work on before I got here, and it was really nice to find that out. When I was first deciding to run, I was a write-in candidate, one of the first issues that hit me in this Pennsylvania barrage was the elderly in my community. We have a lot of those folks that live in mobile home parks, and they had received 60 pages of proposed regulations to micro-manage their lives and how their parks were going to be managed. And they said we are going to elect you to send you back there to do something, because this is government at its worse. Not only that, if we do all of these costly things they want to our mobile home park, it will cost us so much money, and most of us are on fixed incomes. Can you not get those people back there to stop doing this to us?

I thought, is that not interesting? They did not really believe government was doing it for them. They felt government was doing it to them. Then I got here and thought it is getting better. They have backed off a little bit. They revisited the regulations.

Then I just looked through the new regulations. The new regulations are just cousins of the old regulations. They might think they are better, but they are really not. And it comes to this: If this place does not tell the bureaucracies how to operate, they will operate on their own, and they will take away freedoms from people. They will micro-manage their life. Bureaucracy always does. It will raise the cost of senior citizen housing by their meddling.

So this is a great bill. I am real thankful for it. It is nice to know we all do not have to work on everything, that this effort went on before, and I want to thank those that worked on it.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Economic and Educational Opportunities:

To the Congress of the United States:

It is my special pleasure to transmit herewith the Annual Report of the National Endowment for the Arts for the fiscal year 1993.

The National Endowment for the Arts has awarded over 100,000 grants since 1965 for arts projects that touch every community in the Nation. Through its grants to individual artists, the agency has helped to launch and sustain the voice and grace of a generation—such as the brilliance of Rita Dove, now the U.S. Poet Laureate, or the daring of dancer Arthur Mitchell. Through its grants to art organizations, it has helped invigorate community arts centers and museums, preserve our folk heritage, and advance the performing, literary, and visual arts.

Since its inception, the Arts endowment has believed that all children should have an education in the arts. Over the past few years, the agency has worked hard to include the arts in our national education reform movement. Today, the arts are helping to lead the way in renewing American schools.

I have seen first-hand the success story of this small agency. In my home State of Arkansas, the National Endowment for the Arts worked in partnership with the State arts agency and the private sector to bring artists into our schools, to help cities revive downtown centers, and to support opera and jazz, literature and music. All across

the United States, the Endowment invests in our cultural institutions and artists. People in communities small and large in every State have greater opportunities to participate and enjoy the arts. We all benefit from this increased arts presence, and yet the cost is just 65 cents per American. The payback in economic terms has always been several-fold. The payback in human benefit is incalculable.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 6, 1995.*

□ 1245

HOUSING FOR OLDER PERSONS ACT OF 1995

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 126 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 660.

□ 1245

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 660) to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. CANADY] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 660 corrects a serious problem by amending the Fair Housing Act to remove the significant facilities and services requirement for seniors-only housing. Under H.R. 660, if a community can show that 80 percent of its units have one or more occupants aged 55 or older, and meets certain other requirements, it will pass the housing for older persons test.

When Congress amended the Fair Housing Act in 1988, it broadened the coverage of the act to prohibit discrimination against families with children. In covering discrimination based on familial status, Congress recognized the need to respect the desires of some older people to live among their peers in age-restricted communities and crafted an exemption for senior citizens communities.

The Fair Housing Act defines ''housing for older persons'' as housing that is occupied by persons 62 years of age or older or housing that is intended for occupancy by persons 55 years of age or older where there are ''significant facilities and services specifically designed to meet the physical or social needs of older persons.''

Unfortunately, this exemption has been narrowly construed and does not offer the protection to the elderly intended by Congress in passing the 1988 amendments. Consequently, legislation is necessary to establish a workable and fair exemption to protect senior citizens who wish to live in retirement communities.

The meaning of ''significant facilities and services'' has been a source of great confusion and controversy since passage of the act. Lack of clear guidelines have made it difficult for senior's communities to qualify for the exemption. In addition, seniors with low or fixed incomes are often unable to afford the amenities which might be sufficient to qualify for the exemption.

The American Association of Retired Persons, which supports H.R. 660, recently issued a report which states that there has been no ''successful defense of a claim of exemption for housing for older person among the cases receiving judicial review.'' This makes it clear beyond any doubt that the existing statutory provisions have been inadequate to realize the original good of the Congress.

Initially, HUD issued regulations which provided little guidance to legitimate seniors' communities seeking to avail themselves of the statutory exemption for seniors communities. The Housing and Community Development Act of 1992 required HUD to issue a revised rule defining ''significant facilities and services.'' On July 7, 1994, HUD issued proposed rules to define the meaning of this language.

After hearing from several thousand senior citizens in a series of public hearings, Assistant Secretary Achtenberg announced on November 30, 1994, that HUD was withdrawing the proposed regulations for seniors-only housing. HUD recently released new regulations for comment which establish a broad checklist of potential services and facilities, and allow self-certification by communities that they are eligible for the exemption.

While these new regulations are a step in the right direction, significant uncertainties remain. Despite the good faith efforts of HUD to provide reasonable guidance, it has become clear that the only way to finally solve this problem is for Congress to take action.

The heart of the legislation, section 2, amends the Fair Housing Act to remove the significant facilities and services requirement. The major inquiry that H.R. 660 requires in order to determine whether a facility or community qualifies for housing for older persons is whether, in fact, the community is comprised of individuals 55 years of age or older. This section also requires the housing facility or community to publish and adhere to policies and procedures demonstrating the intent to provide housing for occupancy by the 55 and over age group at an 80-percent level.

Section 3 of the bill creates a defense against the imposition of money damages for compliance where a person has relied in good faith on the application of the exemption relating to housing for older persons. This section allows an individual to raise a defense which may prevent the imposition of money damages, where he or she relies, in good faith, on the existence of an exemption for housing for older persons and it is later found that the exemption did not apply.

H.R. 660 will bring needed relief to thousands of senior citizens who live in fear that they will be sued for violating the Fair Housing Act because they are living in a facility or community that is designated as seniors-only. It will relieve their fear that their exemption will be taken from them and they will lose the right to live among other older adults in an age-restricted community.

This legislation strikes a reasonable compromise—protecting the rights of families with children and the security and peace of mind of senior citizens.

I want to thank my colleague, the gentleman from Florida, [Mr. SHAW] for his leadership on this issue. He has diligently pursued this matter for a number of years. Without his hard work, this legislation would not have moved forward.

I also want to thank the gentleman from Massachusetts [Mr. FRANK] for his support in moving this legislation to the floor.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, today's housing for older persons amendment to the Fair Housing Act provides a true measure of relief for those moderate- and low-income senior citizens who have convinced us that some of the compliance requirements of the current Fair Housing Act are too onerous.

In this connection, I join with the American Association of Retired Persons in support of this amendment, which eliminates the burdensome significant facilities requirement that senior communities currently have to demonstrate that they have available to be considered seniors-only housing.

I would be remiss if I did not state explicitly that I give pause before I support any change in civil rights laws which weakens that kind of a law in any way, but in this narrow case, I believe in the careful balance which the Fair Housing Act must strike between the legitimate interests of our seniors to maintain age-specific communities for themselves and against the need of families to find decent housing, in 1988, this Congress struck the balance a little too harshly against seniors. And all