RECOGNITION ON RETIREMENT OF TIM SHEANE

(Mr. THOMAS asked and was given permission to address the House for 1 minute.)

Mr. THOMAS. Mr. Speaker, I take this time to recognize someone who ordinarily is never recognized and, in fact, acknowledge that there are a number of people who do their jobs and do them well without which this House could not function.

The particular individual is a gentleman by the name of Tim Sheane, who is in the Legislative Counsel's Office. He is retiring. For more than 20 years he has assisted the then-Committee on House Administration and the now Committee on House Oversight in putting together the legislation necessary to do the people's business.

So on behalf of the members of the committee and the staff who have worked with Tim Sheane for endless hours in producing work product and for those like him, I would like to give the long overdue recognition to him and to all of those who do not normally share the spotlight in doing the people's work.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I would like to join my colleague from California and say that, again, while oftentimes what we see here is the heat that comes off of partisan battles, that many, if not most of the staff, work for all the Members of the Congress.

This is a perfect example, work for the good of the country, done a spectacular job. I would like to join the chairman in his commendation.

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

□ 1210

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 further consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, April 30, 1997, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered under the 5-minute rule by titles and each title shall be considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD on April 29, 1997, if offered by the gentleman from New York [Mr. LAZIO] or his designee. That amendment shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

UNFUNDED MANDATE POINT OF ORDER

Mr. WATT of North Carolina. Mr. Chairman, pursuant to section 425 of the Congressional Budget Act and Impoundment Control Act of 1974, I make a point of order against consideration of the committee amendment to the bill, H.R. 2.

Section 425 states that a point of order lies against legislation which either imposes an unfunded mandate in excess of $50 million annually against State or local governments, or does not publish prior to floor consideration a CBO estimate of any unfunded mandates in excess of $50 million annually for State and local entities or in excess of $100 million annually for the private sector.

Sections 105 and 106, on pages 25 through 49 of H.R. 2, contain violations of section 425 of the Congressional Budget and Impoundment Control Act. Therefore, I make a point of order that this measure may not be considered pursuant to section 425.

The CHAIRMAN. The gentleman from North Carolina [Mr. WATT] makes a point of order that the amendment in the nature of a substitute violates section 425(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the act, the gentleman has met his threshold burden to identify the specific language in the amendment on which he predicates the point of order.

The text of section 105 and section 106 of the amendment, on pages 25 through 49 of the reported bill, is as follows:

Sec. 105. Community Work and Family Self-Sufficiency Requirements.

(a) COMMUNITY WORK REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (3), each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that each adult member of the family shall contribute not less than 8 hours of work per month (not including political activities) within the community in which the family resides, which may include work performed on locations not owned by the public housing agency).

(2) EMPLOYMENT STATUS AND LIABILITY.—The requirement under paragraph (1) may not be construed to establish any employment relationship between the public housing agency and the member of the family subject to the work requirement under such paragraph or to create any responsibility, duty, or liability on the part of the public housing agency for actions arising out of the work done by the member of the family to comply with the requirement, except to the extent that the member of the family is fulfilling the requirement by working directly for such public housing agency.

(3) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirement under paragraph (1), of each individual who is—

(1) an elderly person:

(2) a person with disabilities;

(3) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(4) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(b) REQUIREMENT REGARDING TARGET DATE FOR TRANSITION OUT OF ASSISTED HOUSING.—

(1) IN GENERAL.—Each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that the family and the agency enter into an agreement (included, pursuant to subsection (d)(2)(C), as a term of an agreement under subsection (d)) establishing a target date by which the family intends to graduate from, terminate tenancy in, or no longer receive public housing or housing assistance under title III.

(2) RIGHTS OF OCCUPANCY.—This subsection may not be construed (nor may any provision of subsection (d) or (e)) to create a right on the part of any public housing agency to evict or terminate assistance for a family solely on the basis of any failure of the family to comply with the target date established pursuant to paragraph (1).

(3) FACTORS.—In establishing a target date pursuant to paragraph (1) for a family that receives benefits for welfare or public assistance from a State or other public agency under a program that limits the duration during which such benefits may be received, the public housing agency and the family may take into consideration such time limit. This section may not be construed to require any public housing agency to adopt any such time limit on the duration of welfare or public assistance benefits as the target date pursuant to paragraph (1) for a resident.

(4) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirements under paragraph (1), of each individual who is—

(1) an elderly person:

(2) a person with disabilities;

(3) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(4) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(c) TREATMENT OF INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS.—

(1) COVERED FAMILY.—For purposes of this subsection, the term ''covered family'' means a family that (A) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in an economic self-sufficiency program, and (B) resides in a public housing dwelling unit or is provided housing assistance under title III.

(2) DECREASES IN INCOME FOR FAILURE TO COMPLY.—Notwithstanding the provisions of sections 225 and 322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding such an assistance program because of any failure of any member of the family to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program, the amount required to be paid by the family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(3) EFFECT OF FRAUD.—Notwithstanding the provisions of sections 225 and 322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced because of an act of fraud by a member of the family under the law or program, the amount required to be paid by the covered family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(4) NOTICE.—Paragraphs (2) and (3) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family obtains written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced because of noncompliance with economic self-sufficiency program requirements or fraud and the level of such reduction.

(5) OCCUPANCY RIGHTS.—This subsection may not be construed to authorize any public housing agency to establish any time limit on tenancy in a public housing dwelling unit or on receipt of housing assistance under title III.

(6) REVIEW.—Any covered family residing in public housing that is affected by the operation of this subsection shall have the right to review the determination under this subsection through the administrative grievance procedure established pursuant to section 110 for the public housing agency.

(7) COOPERATION AGREEMENTS FOR ECONOMIC SELF-SUFFICIENCY ACTIVITIES.—

(A) REQUIREMENT.—A public housing agency providing public housing dwelling units or housing assistance under title III for covered families shall make its best efforts to enter into such cooperation agreements, with State, local, and other agencies providing assistance to covered families under welfare or public assistance programs, as may be necessary, to provide for such agencies to transfer information to facilitate administration of subsection (a) and paragraphs (2), (3), and (4) of this subsection, and other information regarding rents, income, and assistance that may assist a public housing agency or welfare or public assistance agency in carrying out its functions.

(B) CONTENTS.—A public housing agency shall seek to include in a cooperation agreement under this paragraph requirements and provisions designed to target assistance under welfare and public assistance programs to families residing in public housing developments and receiving choice-based assistance under title III, which may include providing for self-sufficiency services within such housing, providing for services designed to meet the unique employment-related needs of residents of such housing and recipients of such assistance, providing for placement of workfare positions on-site in such housing, and such other elements as may be appropriate.

(C) CONFIDENTIALITY.—This paragraph may not be construed to authorize any release of information that is prohibited by, or in contravention of, any other provision of Federal, State, or local law.

(d) COMMUNITY WORK AND FAMILY SELF-SUFFICIENCY AGREEMENTS.—

(1) IN GENERAL.—A public housing agency shall enter into a community work and family self-sufficiency agreement under this subsection with each adult member and head of household of each family who is to reside in a dwelling unit in public housing of the agency and each family on behalf of whom the agency will provide housing assistance under title III. Under the agreement the family shall agree that, as a condition of occupancy of the public housing dwelling unit or of receiving such housing assistance, the family will comply with the terms of the agreement.

(2) TERMS.—An agreement under this subsection shall include the following:

(A) Terms designed to encourage and facilitate the economic self-sufficiency of the assisted family entering into the agreement and the graduation of the family from assisted housing to unassisted housing.

(B) Notice of the requirements under subsection (a) (relating to community work) and the conditions imposed by, and exemptions from, such requirement.

(C) The target date agreed upon by the family pursuant to subsection (b) for graduation from, termination of tenancy in, or termination of receipt of public housing or housing assistance under title III.

(D) Terms providing for any resources, services, and assistance relating to self-sufficiency that will be made available to the family, including any assistance to be made available pursuant to subsection (c)(7)(B) under a cooperation agreement entered into under subsection (c)(7).

(E) Notice of the provisions of paragraphs (2) through (7) of subsection (c) (relating to effect of changes in income on rent and assisted families rights under such circumstances).

(e) LEASE PROVISIONS.—A public housing agency shall incorporate into leases under section 226, and into any agreements for the provision of choice-based assistance under title III on behalf of a family—

(1) a provision requiring compliance with the requirement under subsection (a); and

(2) provisions incorporating the conditions under subsection (c).

(f) TREATMENT OF INCOME.—Notwithstanding any other provision of this section, in determining the income or tenancy of a family who resides in public housing or receives housing assistance under title III, a public housing agency shall consider any decrease in the income of a family that results from the reduction of any welfare or public assistance benefits received by the family under any Federal, State, or local law regarding a program for such assistance if the family (or a member thereof, as applicable) has complied with the conditions for receiving such assistance and is unable to obtain employment notwithstanding such compliance.

(g) DEFINITION.—For purposes of this section, the term ''economic self-sufficiency program'' means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, financial or household management, apprenticeships, or other activities as the Secretary may provide.

SEC. 106. LOCAL HOUSING MANAGEMENT PLANS.

(a) 5-YEAR PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary, once every 5 years, a plan under this subsection for the agency covering a period consisting of 5 fiscal years. Each such plan shall contain, with respect to the 5-year period covered by the plan, the following information:

(1) STATEMENT OF MISSION.—A statement of the mission of the agency for serving the needs of low-income families in the jurisdiction of the agency during such period.

(2) GOALS AND OBJECTIVES.—A statement of the goals and objectives of the agency that will enable the agency to serve the needs identified pursuant to paragraph (1) during such period.

(3) CAPITAL IMPROVEMENT OVERVIEW.—If the agency will provide capital improvements for public housing developments during such period, an overview of such improvements, the rationale for such improvements, and an analysis of how such improvements will enable the agency to meet its goals, objectives, and mission.

The first 5-year plan under this subsection for a public housing agency shall be submitted for the 5-year period beginning with the first fiscal year for which the agency receives assistance under this Act.

(b) ANNUAL PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary a local housing management plan under this section for each fiscal year that contains the information required under subsection (d). For each fiscal year after the initial submission of a plan under this section by a public housing agency, the agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year.

(c) PROCEDURES.—The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of such plans. Such procedures shall provide that a public housing agency—

(1) shall, in conjunction with the relevant State or unit of general local government, establish procedures to ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act; and

(2) may, at the option of the agency, submit a plan under this section together with,

or as part of, the comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the relevant jurisdiction, and for concomitant review of such plans submitted together.

(d) CONTENTS.—An annual local housing management plan under this section for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this Act is to be made available:

(1) NEEDS.—A statement of the housing needs of low-income and very low-income families residing in the community served by the agency, and of other low-income families on the waiting list of the agency (including the housing needs of elderly families and disabled families), and the means by which the agency intends, to the maximum extent practicable, to address such needs.

(2) FINANCIAL RESOURCES.—A statement of financial resources available for the agency the planned uses of such resources that includes—

(A) a description of the financial resources available to the agency;

(B) the uses to which such resources will be committed, including all proposed eligible and required activities under section 203 and housing assistance to be provided under title III;

(C) an estimate of the costs of operation and the market rental value of each public housing development; and

(D) a specific description, based on population and demographic data, of the unmet affordable housing needs of families in the community served by the agency having incomes not exceeding 30 percent of the area median income and a statement of how the agency will expend grant amounts received under this Act to meet the housing needs of such families.

(3) POPULATION SERVED.—A statement of the policies of the agency governing eligibility, admissions, and occupancy of families with respect to public housing dwelling units and housing assistance under title III, including—

(A) the requirements for eligibility for such units and assistance and the method and procedures by which eligibility and income will be determined and verified;

(B) the requirements for selection and admissions of eligible families for such units and assistance, including any preferences and procedures established by the agency and any outreach efforts;

(C) the procedures for assignment of families admitted to dwelling units owned, leased, managed, operated, or assisted by the agency;

(D) any standards and requirements for occupancy of public housing dwelling units and units assisted under title III, including resident screening policies, standard lease provisions, conditions for continued occupancy, termination of tenancy, eviction, and conditions for termination of housing assistance;

(E) the procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system of site-based waiting lists under section 224(c);

(F) the criteria for providing and denying housing assistance under title III to families moving into the jurisdiction of the agency; and

(G) the fair housing policy of the agency.

(4) RENT DETERMINATION.—A statement of the policies of the agency governing rents charged for public housing dwelling units and rental contributions of assisted families under title III and the system used by the agency to ensure that such rents comply with the requirements of this Act.

(5) OPERATION AND MANAGEMENT.—A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned and operated by the agency, and management of the public housing agency and programs of the agency, including—

(A) a description of the manner in which the agency is organized (including any consortia or joint ventures) and staffed to perform the duties and functions of the public housing agency and to administer the operating fund distributions of the agency;

(B) policies relating to the rental of dwelling units, including policies designed to reduce vacancies;

(C) housing quality standards in effect pursuant to sections 232 and 328 and any certifications required under such sections;

(D) emergency and disaster plans for public housing;

(E) priorities and improvements for management of public housing, including initiatives to control costs; and

(F) policies of the agency requiring the loss or termination of housing assistance and tenancy under sections 641 and 642 (relating to occupancy standards for federally assisted housing).

(6) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the agency under section 110.

(7) CAPITAL IMPROVEMENTS.—With respect to public housing developments owned or operated by the agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the developments.

(8) DEMOLITION AND DISPOSITION.—With respect to public housing developments owned or operated by the agency—

(A) a description of any such housing to be demolished or disposed of under subtitle E of title II; and

(B) a timetable for such demolition or disposition.

(9) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing developments owned or operated by the agency, a description of any developments (or portions thereof) that the agency has designated or will designate for occupancy by elderly and disabled families in accordance with section 227 and any information required under section 227(d) for such designated developments.

(10) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned or operated by the agency, a description of any building or buildings that the agency is required, under section 203(b), to convert to housing assistance under title III or that the agency voluntarily converts, an analysis of such buildings required under such section for conversion, and a statement of the amount of grant amounts under title II to be used for rental assistance or other housing assistance.

(11) HOMEOWNERSHIP ACTIVITIES.—A description of any homeownership programs of the agency under subtitle D of title II or section 329 for the agency and the requirements and assistance available under such programs.

(12) ECONOMIC SELF-SUFFICIENCY AND COORDINATION WITH WELFARE AND OTHER APPROPRIATE AGENCIES.—A description of—

(A) policies relating to services and amenities provided or offered to assisted families, including the provision of service coordinators and services designed for certain populations (such as the elderly and disabled);

(B) how the agency will coordinate with State, local, and other agencies providing assistance to families participating in welfare or public assistance programs;

(C) how the agency will implement and administer section 105; and

(D) any policies, programs, plans, and activities of the agency for the enhancement of the economic and social self-sufficiency of residents assisted by the programs of the agency, including rent structures to encourage self-sufficiency.

(13) SAFETY AND CRIME PREVENTION.—A plan established by the public housing agency, which shall be subject to the following requirements:

(A) SAFETY MEASURES.—The plan shall provide, on a development-by-development basis, for measures to ensure the safety of public housing residents.

(B) ESTABLISHMENT.—The plan shall be established, with respect to each development, in consultation with the police officer or officers in command for the precinct in which the development is located.

(C) CONTENT.—The plan shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted, or to be conducted, by the agency, and provide for coordination between the public housing agency and the appropriate police precincts for carrying out such measures and activities.

(D) SECRETARIAL ACTION.—If the Secretary determines, at any time, that the security needs of a development are not being adequately addressed by the plan, or that the local police precinct is not complying with the plan, the Secretary may mediate between the public housing agency and the local precinct to resolve any issues of conflict. If after such mediation has occurred and the Secretary determines that the security needs of the development are not adequately addressed, the Secretary may require the public housing agency to submit an amended plan.

(14) ANNUAL AUDIT.—The results of the most recent fiscal year audit of the agency required under section 541(b).

(15) TROUBLED AGENCIES.—Such other additional information as the Secretary may determine to be appropriate for each public housing agency that is designated—

(A) under section 533(c) as at risk of becoming troubled; or

(B) under section 533(a) as troubled.

(16) ASSET MANAGEMENT.—A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.

(e) CITIZEN PARTICIPATION.—

(1) PUBLICATION OF NOTICE.—Not later than 45 days before the date of a hearing conducted under paragraph (2) by the governing body of a public housing agency, the agency shall—

(A) publish a notice informing the public that the proposed local housing management plan or amendment is available for inspection at the principal office of the public housing agency during normal business hours and make the plan or amendment so available for inspection during such period; and

(B) publish a notice informing the public that a public hearing will be conducted to discuss the local housing management plan and to invite public comment regarding that plan.

(2) PUBLIC HEARING.—Before submitting a plan under this section or a significant amendment under section 107(f) to a plan, a public housing agency shall, at a location that is convenient to residents, conduct a public hearing, as provided in the notice published under paragraph (1), regarding the public housing plan or the amendment of the agency.

(3) CONSIDERATION OF COMMENTS.—A public housing agency shall consider any comments

or views made available pursuant to paragraphs (1) and (2) in preparing a final plan or amendment for submission to the Secretary. A summary of such comments or views shall be attached to the plan, amendment, or report submitted.

(4) ADOPTION OF PLAN.—After conducting the public hearing under paragraph (2) and considering public comments in accordance with paragraph (3), the public housing agency shall make any appropriate changes to the local housing management plan or amendment and shall—

(A) adopt the local housing management plan;

(B) submit the plan to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval under subsection (f);

(C) submit the plan to the Secretary in accordance with this section; and

(D) make the submitted plan or amendment publicly available.

(f) LOCAL REVIEW.—The public housing agency shall submit a plan under this subsection to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval for a 45-day period beginning on the date that the plan is submitted to such local official or officials (which period may run concurrently with any period under subsection (e) for public comment.) If the local official or officials responsible under this subsection do not act within 45 days of submission of the plan, the plan shall be considered approved. If the local official of officials responsible under this subsection reject the public housing agency's plan, they shall return the plan with their recommended changes to the agency within 5 days of their disapproval. The agency shall resubmit an updated plan to the local official or officials within 30 days of receiving the objections. If the local official or officials again reject the plan, the resubmitted plan, together with the local official's objections, shall be submitted to the Secretary for approval.

(g) PLANS FOR SMALL PHA'S AND PHA'S ADMINISTERING ONLY RENTAL ASSISTANCE.—The Secretary shall establish requirements for submission of plans under this section and the information to be included in such plans applicable to public housing agencies that own or operate less than 250 public housing dwelling units and shall establish requirements for such submission and information applicable to agencies that only administer housing assistance under title III (and do not own or operate public housing). Such requirements shall waive any requirements under this section that the Secretary determines are burdensome or unnecessary for such agencies.

Under section 426(b)(4) of the act, the gentleman from North Carolina [Mr. WATT] and a Member opposed to the point of order each will control 10 minutes of debate on the point of order.

Pursuant to section 426(b)(3) of the act, after debate on the point of order, the Chair will put the question of consideration, to wit: ''Will the Committee now consider the amendment?''

The gentleman from North Carolina [Mr. WATT] is recognized for 10 minutes, and the gentleman from Iowa [Mr. LEACH] who is opposed, will be recognized for 10 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

□ 1215

Mr. WATT of North Carolina. Mr. Chairman, my colleagues, especially those on the Republican side, have made a significant point that many of us agree on a bipartisan basis is a valid point; that we should not continuously pass along to State and local governments and entities of State and local governments mandates which mandate that they take certain action without passing along to them the funds to pay for those mandates.

This bill, sections 105 and 106, in combination, pass such a mandate along. Sections 105 and 106, in combination, according to the Congressional Budget Office, impose an unfunded mandate of approximately $65 million.

Section 105, according to the Congressional Budget Office, would require local governments to expend an additional $35 million annually. Section 106 would require local governments and public housing agencies to expend an additional $35 million annually.

These provisions, in combination, should not be passed along to our local housing authorities because we are not funding them. And if we are going to be in compliance with the spirit and letter of the resolutions and rules that we set up to govern ourselves, this bill should not be considered without these provisions being stricken out of the bill.

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

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

First, let me say what the distinguished gentleman from North Carolina is doing is using a process technique to underscore a political point. I understand the gentleman did not receive enough time to discuss this issue yesterday. I would like to simply stress on the time score that we were operating under the rules of the House and we granted, at the request of the gentleman from Massachusetts [Mr. KENNEDY], extra time on each side. I am sorry if the gentleman did not get enough time to discuss this issue but we made every effort to be accommodating to the minority.

On the process point, it should be stressed that it is a norm, when Federal funds are extended, to put conditions and requirements into programs. That is what is being done in this bill, and that is why in the supplemental report filed by the committee we include a CBO estimate. And the CBO, as this body knows, is the general overseer of this circumstance.

The CBO states, and I quote directly, ''The bill would impose several new requirements on PHA's. These requirements, which are conditions of receiving assistance from HUD and, thus, are not mandates under the Unfunded Mandates Reform Act of 1995, include establishing and enforcing work requirements and self-sufficiency agreements with residents of public housing.''

In further clarification, CBO has informed me today that while H.R. 2 does contain several intergovernmental mandates as defined by the Unfunded Mandates Reform Act, in other parts of the bill, CBO has determined that the cost of those mandates is insignificant and would not exceed the threshold established under the law.

The bill contains other provisions that would have significant budgetary impacts on public housing agencies, such as the one the gentleman from North Carolina is concerned about, but these provisions are conditions of receiving Federal financial assistance and, therefore, would not be considered mandates under the Unfunded Mandates Reform Act of 1995.

On the substantive issue, I think care has to be taken how the community service requirement is described. Like the President's AmeriCorps program, this is a work-for-benefit approach. It is supported by Secretary Cuomo and his predecessor, Secretary Cisneros. The model bills that were submitted to Congress by the administration—one of which was introduced by request with the gentleman from Massachusetts [Mr. KENNEDY] as a cosponsor—included this work requirement.

In terms of section 106 that the gentleman is referring to, this section was also included in Secretary Cuomo's presentation and recommendation to the House Committee on Banking and Financial Services. It was further modified with amendments from the minority side. For example, the requirement that PHA's look at the population base in their areas with a particular eye to the poorest of the poor was a significant minority amendment.

And what the gentleman from North Carolina is attempting to do in this point of order, which I believe does not lie, on a substantive basis, is to knock out a provision recommended by the administration, further modified by the Democratic, not the Republican side, on the House Committee on Banking and Financial Services.

So on process grounds, I would suggest to the gentleman that as indicated by the CBO this amendment does not breach the requirements of the law. On substantive grounds, the gentleman from North Carolina is going against his administration and his party's amendments as adopted in the House Committee on Banking and Financial Services. So as the chairman of the committee, I am befuddled by the approach that is being presented.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 30 seconds.

Let me make two points. This is not whether this is a Republican bill or a Democratic bill or a Republican amendment. The unfunded mandates requirement applies to both parties. It applies to this Congress. This is the integrity of our House that is at stake.

No. 2, this notion that a public housing authority is not a local government is just defied by the very definitions in the bill itself on page 17, which says that a local housing authority is one

authorized by State law to administer choice-based housing. That is a State entity.

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

I want to be very categorical first of all. The CBO, which is the overseer of this program, states that the public housing requirement in terms of the work program is not an unfunded mandate, period. There are other parts of the bill that involve small aspects of or that touch the unfunded mandates act, but they do not reach the threshold. But the requirement the gentleman is referencing in section 105, which is his principal point, is not an unfunded mandate.

With regard to section 106, which the gentleman wants to knock out, I would also point out that this section is largely maintained in the alternative to be offered by the gentleman from Massachusetts. So the gentleman is attempting to knock out a provision that will be in the alternative of the gentleman from Massachusetts, which is supported by the administration, and which is crafted in large measure with the input of his side in the committee.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts, [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, when the Republican chairman of the committee gets up and his basic argument is ''The President made me do it,'' we understand the weakness of his substantive arguments.

The gentleman even said we should be for this because this is the same principle as the AmeriCorps. I understood there was on the other side no great love for AmeriCorps, so I assume all those who are against AmeriCorps would agree with the gentleman from North Carolina [Mr. WATT].

But most damaging is the argument the gentleman is making, and people should understand here how he is narrowing the unfunded mandate piece. What he says is this: An unfunded mandate should be considered only if de novo, out of the blue, we impose a restriction. He acknowledges this will cost the local communities more money, but he says it is a condition and therefore we can impose greater costs on them as a condition of funds.

But understand, these are funds they are now getting and have been getting for a long time. Theoretically, his logical argument is, well, if they do not like the mandate, they can say no to the funds; therefore, it is not an unfunded mandate. But is it realistic to tell local communities that, having built this public housing, having people live in it, having the obligation to maintain it, they can now say no to the funds?

What the gentleman from Iowa is doing is turning the unfunded mandate point into a great ''gotcha'' for the communities. We give them grants, we establish some programs, and under his interpretation, years later, 20 and 30 years later, having provided for a program where they are locked in, where they are committed, where they have ongoing obligations, we then add a condition, and under the gentleman from Iowa's ruling, any expense, and it is a ''gotcha'' because we say, hey, if you do not like the condition, give up the money. But of course this is wholly unrealistic, to expect local communities which have now got this ongoing responsibility to residents to give up the money.

So if we reject the point of order, we accept the gentleman from Iowa's interpretation, it is yes, we cannot do a mandate out of the blue. But where there has been an ongoing, long-continuing program, where local communities have been given money to do something, we can ratchet up the conditions, we can impose new conditions, and if they complain it will cost them money, we say, well, they can always give it up.

I do not think that is the spirit of the unfunded mandate.

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

Let me just stress, the gentleman from Massachusetts referenced my interpretation. My interpretation is the interpretation of the CBO, which is the overseer. What the law states is that an exception to the unfunded mandates law are provisions imposing duties as a condition of receiving Federal aid or arising from participation in a Federal program.

What the gentleman from North Carolina is raising is a question of law in terms of a point of order. That point of order clearly, without any equivocation, does not rise.

Now, on the substance of the issue there are differences of judgment, and I am simply making the point that the majority side supports the precept of work for benefit. The President supports the precept of work for benefit. The gentleman may disagree with that precept, that is his philosophical prerogative, but he should not confuse a point of order argument with a substantive argument.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, first and foremost, let me make certain the chairman understands that in no way does our work requirement marry their work requirement. We simply say that we encourage people to do some work if they are going to receive this benefit. It is not a term or condition of the lease. No. 1.

No. 2, the fact is, according to the rules of the House, according to the CRS report, a point of order against an unfunded mandate exists if it meets a $50 million threshold. According to the CBO, this provision is going to cost $65 million.

It is the gentleman's party which created the idea of the unfunded mandate. It is his party that is categorically denying the people of this House and the people of this country the opportunity to challenge this based on the fact that we are going to cost the public housing authorities the money.

Mr. Chairman, the gentleman from New York [Mr. LAZIO] maintains we are going to take this money out of the operating account for public housing. The operating accounts are already underfunded in this bill. That is the ultimate problem.

The gentleman from Iowa's party is unwilling to provide the funding that is necessary to achieve basic affordable housing for the poorest of the people of this country, and now what he is doing is scolding them and telling them they have to work.

I say if the gentleman wants to go after the mining companies and the oil and gas industry and get them to volunteer, go for it and I will be standing there right with him, but he should not point his finger at just the poor.

□ 1230

Mr. LEACH. Mr. Chairman, I would like to ask how much time the two sides have remaining.

The CHAIRMAN. The gentleman from Iowa has 4 minutes remaining, and the gentleman from North Carolina has 4 minutes remaining.

The gentleman from Iowa has the right to close.

Mr. WATT of North Carolina. Mr. Chairman, let me take issue with that. Why does the gentleman from Iowa have the right to close? It is my point of order.

The CHAIRMAN. That has been established by precedent. The manager of the bill has the right to close.

Mr. WATT of North Carolina. He is not managing the bill. The gentleman from New York [Mr. LAZIO] is managing the bill.

The CHAIRMAN. The chairman of the committee is at this point in time managing the bill.

Mr. FRANK of Massachusetts. If the gentleman from North Carolina will yield, maybe it is because he is representing the President on this issue.

The CHAIRMAN. No, that is not correct.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Let me just clarify what is at issue here. It is not whether we support or do not support the underlying provision in the bill. I have made it clear from day one that I do not support this volunteer requirement. I do not know how you can require somebody to volunteer without compensation. This is not about whether I support or do not support that concept. This is about the rules of the House that we adopted and the law that is in place that says we cannot pass an unfunded mandate down to local governments and not pay for that mandate.

The Congressional Budget Office says that section 105 will cost local public housing authorities $35 million a year. The Congressional Budget Office says section 106 will cost local housing authorities an additional $30 million a year. That is a total of $65 million in additional costs that we are passing along.

The argument seems to be, well, these are not local governments, but if anybody believes that a local housing authority is not a part of the local government, they ought to read the definition on page 17 of this bill. It says that a local housing authority is anyone that is authorized under this act to engage in or assist in the development or operation of low income housing by any State, county, municipality or other governmental body or public entity.

If that does not make the local housing authority a part of the local government, I do not know what does.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. To give the gentleman from Iowa his due, he has an alternative argument, which is once there is a vote of Federal funds to a local government, then the unfunded mandate issue disappears. His argument is that because the local governments have the theoretical right to refuse all public housing funds, any condition we impose on them which increases their cost is not an unfunded mandate.

As I said, that is the great gotcha. What it means is that you can give money to a local government, they incur ongoing operations, and the way they can get around it, the gentleman from Iowa says, is, ''It's not an unfunded mandate, you can abandon public housing altogether, and if you don't, we gotcha.''

Mr. WATT of North Carolina. Mr. Chairman, reclaiming my time, let me make it clear that the unfunded mandate rules are neither Republican nor Democrat. They are bipartisan. Every single one of us has gone home and heard our local governments and our State governments say, do not pass along a mandate on us and then not give us the money to comply with it.

The Congressional Budget Office says the combination of sections 105 and 106 of this bill will cost local governments, public housing authorities, an additional $65 million a year. The threshold is $50 million under the law. We are $15 million over the threshold. We can take this provision out, the bill can proceed. It is not going to be the end of this public housing bill. But we do not need to pass an unfunded mandate down to our local governments if we are going to be true to the philosophies that we have said we believe in.

Mr. LEACH. Mr. Chairman, I yield myself the balance of my time.

What the gentleman from North Carolina is engaging in is captious argumentation. Let me explain this as carefully as I can. We have a long tradition in the House of Representatives, in the Congress of the United States, when we expend Federal funds to put requirements on them. Those in most instances are not unfunded mandates. Let me be as precise as possible. We have rules about money going to States form time to time, and we require that civil rights be enforced. That is not an unfunded mandate. That is a requirement for receipt of Federal funds.

The gentleman from North Carolina objects to the work requirement in this bill. He is free at any point in the debate to offer an amendment to strike it, and your side will attempt to do that. But I would simply stress that under the definitions of law provided by the CBO, which is the overseer of this program, this is a requirement for receipt of Federal funds. It is not an unfunded mandate, section 105, which is what the gentleman is principally getting at.

On the substantive side, let me say this. I was very intrigued the other evening. All of us looked at this issue of voluntarism where the President and the former Presidents met in Philadelphia, and I though it made a great deal of sense. Some of the criticism that came out, to the degree there was criticism, related to the fact that it may be a little bit presumptuous for people from the outside to volunteer in internal problems of other people. There was a degree of legitimacy to this argument.

What this bill is saying is that people in poverty should have a work component to also take care of themselves and assist in their community. It is a community service requirement, it is a work-for-benefit program. All of the gentlemen on the other side may object. I would only again stress in this regard two points. First, Secretary Cisneros, Secretary Cuomo, and the majority of the Committee on Banking and Financial Services have brought this to the floor. Second, this country and many people in it believe that reform in these programs is vital, and that people are looking at people getting benefits and not giving anything in return. This is an effort of stressing community service, work for benefit.

With regard to the gentleman's point or order, it is one that is clearly, and I say clearly, without merit. I would urge my colleagues to uphold the committee on a straightforward point of law. We will deal with the substance of the gentleman's issue at later points in time when debate on amendments come forth.

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

The CHAIRMAN. All time on this question has expired.

Pursuant to section 426(b)(3) of the Act, the question is, Will the Committee now consider the amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services?

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LEACH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 183, not voting 13, as follows:

[Roll No. 99]

AYES—237

Aderholt	Gekas	Nussle
Archer	Gibbons	Oxley
Armey	Gilchrest	Packard
Bachus	Gillmor	Pappas
Baker	Gilman	Parker
Ballenger	Goode	Paul
Barcia	Goodlatte	Paxon
Barr	Goodling	Pease
Barrett (NE)	Goss	Peterson (PA)
Bartlett	Graham	Petri
Barton	Granger	Pickering
Bass	Green	Pitts
Bateman	Greenwood	Pombo
Bereuter	Gutknecht	Porter
Berry	Hansen	Portman
Bilbray	Hastert	Pryce (OH)
Bilirakis	Hastings (WA)	Quinn
Bliley	Hayworth	Radanovich
Blunt	Hefley	Ramstad
Boehlert	Hill	Regula
Boehner	Hilleary	Riggs
Bonilla	Hobson	Riley
Bono	Hoekstra	Rogan
Brady	Holden	Rogers
Bryant	Horn	Rohrabacher
Bunning	Hostettler	Ros-Lehtinen
Burr	Houghton	Roukema
Burton	Hulshof	Royce
Buyer	Hunter	Ryun
Callahan	Hutchinson	Salmon
Calvert	Hyde	Sanford
Camp	Inglis	Saxton
Campbell	Jenkins	Scarborough
Canady	Johnson (CT)	Schaefer, Dan
Cannon	Johnson, Sam	Schaffer, Bob
Castle	Jones	Sensenbrenner
Chabot	Kasich	Sessions
Chambliss	Kelly	Shadegg
Chenoweth	Kim	Shaw
Christensen	King (NY)	Shays
Coble	Kingston	Shimkus
Coburn	Klink	Shuster
Collins	Klug	Skeen
Combest	Knollenberg	Smith (MI)
Cook	Kolbe	Smith (NJ)
Cooksey	LaHood	Smith (OR)
Cox	Largent	Smith (TX)
Cramer	Latham	Smith, Linda
Crane	LaTourette	Snowbarger
Crapo	Lazio	Solomon
Cubin	Leach	Souder
Cunningham	Lewis (CA)	Spence
Davis (VA)	Lewis (KY)	Stearns
Deal	Linder	Stump
DeLay	Livingston	Sununu
Diaz-Balart	LoBiondo	Talent
Dickey	Lucas	Tauzin
Doolittle	Manzullo	Taylor (NC)
Doyle	McCarthy (NY)	Thomas
Dreier	McCollum	Thornberry
Duncan	McCrery	Thune
Dunn	McDade	Tiahrt
Ehlers	McHugh	Traficant
Ehrlich	McInnis	Turner
Emerson	McIntosh	Upton
Engel	McKeon	Walsh
English	Metcalf	Wamp
Ensign	Mica	Watkins
Everett	Miller (FL)	Watts (OK)
Ewing	Molinari	Weldon (FL)
Fawell	Moran (KS)	Weldon (PA)
Foley	Moran (VA)	Weller
Forbes	Morella	Wexler
Fowler	Myrick	White
Fox	Nethercutt	Whitfield
Franks (NJ)	Neumann	Wicker
Frelinghuysen	Ney	Wolf
Gallegly	Northup	Young (AK)
Ganske	Norwood	Young (FL)

NOES—183

Abercrombie	Allen	Barrett (WI)
Ackerman	Baldacci	Becerra

Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Andrews
Baesler
Davis (IL)
DeFazio
Herger
Istook
Kaptur
Kennedy (RI)
Olver
Pascrell
Schiff
Stenholm
Stupak

☐ 1258

Messrs. MCHALE, ACKERMAN, and KILDEE changed their vote from ''aye'' to ''no.''

Mr. GREENWOOD and Mr. CRAMER changed their vote from ''no'' to ''aye.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

☐ 1300

AMENDMENT NO. 15 OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. LAZIO of New York:

Page 78, line 22, after ''used'' insert '', to the extent or in such amounts as are or have been provided in advance in appropriations Acts.''.

Page 79, after line 19, insert the following new subsection:

(e) ELIGIBLE ACTIVITIES FOR INCREASED INCOME.—Any public housing agency that derives increased nonrental or rental income, as referred to in subsection (c)(2)(B) or (d)(1)(D) of section 204 or pursuant to provision of mixed-income developments under section 221(c)(2), may use such amounts for any eligible activity under paragraph (1) or (2) of subsection (a) of this section or for providing choice-based housing assistance under title III.

Page 116, line 6, after ''used'' insert '', to the extent or in such amounts as are or have been provided in advance in appropriations Acts,''.

Page 137, line 14, strike ''for financial assistance under this title'' and insert ''under section 282(l) for use under the capital fund''.

Page 164, after line 16, insert the following:

(n) TREATMENT OF PREVIOUS SELECTIONS.—A public housing agency that has been selected to receive amounts under the notice of funding availability for fiscal year 1996 amounts for the HOPE VI program (provided under the heading ''PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 14371 note) (enacted as section 101(e) of Omnibus consolidated Rescission and Appropriations Act of 1996 (Public Law 104–134; 100 Stat. 1321–269)) may apply to the Secretary of Housing and Urban Development for a waiver of the total development cost rehabilitation requirement otherwise applicable under such program, and the Secretary may waive such requirement, but only (1) to the extent that a designated site for use of such amounts does not have dwelling units that are considered to be obsolete under Department of Housing and Urban Development regulations in effect upon the date of the enactment of this Act, and (2) if the Secretary determines that the public housing agency will continue to comply with the purposes of the program notwithstanding such waiver.

Page 170, line 24, strike ''bond issued by the agency'' and insert, ''bonds issued by the agency or any State or local governmental agency''.

Page 171, strike lines 5 through 10 and insert the following:

With respect to any dwelling unit in a mixed-finance housing development that is a low-income dwelling unit for which amounts from a block grant under this title are used and that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents of the unit shall be determined in accordance with this title, but shall not in any case exceed the amounts allowable under such section 42.

Page 173, line 24, strike ''and'' and all that follows through line 2 on page 174, and insert a period.

Page 184, strikes line 7 and 8 and insert the following:

assistance under this title, such sums as may be necessary for each of fiscal years 1998, 2000, 2001, and 2002 to provide amounts for incremental assistance under this title, for renewal of expiring contracts under section 302 of this Act and renewal under this title of expiring contracts for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601 (b) of this Act), and for replacement needs for public housing under title II.

Page 184, line 22, after ''227'' insert the following: ''or the establishment of occupancy restrictions in accordance with section 658 of the Housing and Community Development Act of 1992''.

Page 224, strike lines 21 through 25 and insert the following:

(c) RENT POLICY.—A participating jurisdiction shall ensure that the rental contributions charged to families assisted with amounts received pursuant to this title—

(1) do not exceed the amount that would be chargeable under title II to such families were such families residing in public housing assisted under such title; or

(2) are established, pursuant to approval by the Secretary of a proposed rent structure included in the application under section 406, at levels that are reasonable and designed to eliminate any disincentives for members of the family to obtain employment and attain economic self-sufficiency.

Page 228, line 18, strike ''section'' and insert ''title''.

Page 228, after line 25, insert the following:

(k) COMMUNITY WORK REQUIREMENT.—

(1) APPLICABILITY OF REQUIREMENTS FOR PHA'S.—Except as provided in paragraph (2), participating jurisdictions, families assisted with amounts received pursuant to this title, and dwelling units assisted with amounts received pursuant to this title, shall be subject to the provisions of section 105 to the same extent that such provisions apply with respect to public housing agencies, families residing in public housing dwelling units and families assisted under title III, and public housing dwelling units and dwelling units assisted under title III.

(2) LOCAL COMMUNITY SERVICE ALTERNATIVE.—Paragraph (1) shall not apply to a participating jurisdiction that, pursuant to approval by the Secretary of a proposal included in the application under section 406, is carrying out a local program that is designed to foster community service by families assisted with amounts received pursuant to this title.

(1) INCOME TARGETING.—In providing housing assistance using amounts received pursuant to this title in any fiscal year, a participating jurisdiction shall ensure that the number of families having incomes that do not exceed 30 percent of the area median income that are initially assisted under this title during such fiscal year is not less than substantially the same number of families having such incomes that would be initially assisted in such jurisdiction during such fiscal year under titles II and III pursuant to sections 222(c) and 321(b)).

Page 233, line 7, after the period insert the following: ''Upon approving or disapproving an application under this paragraph, the Secretary shall make such determination publicly available in writing together with a written statement of the reasons for such determination.''.

Page 320, line 13, strike the period and insert ''; or''.

Page 320, after line 13, insert the following:

(C) with respect only to activity engaged in by the tenant or any member of the tenant's household, is criminal activity on or off the premises.

Page 335, after line 6, insert the following new section:

SEC. 709. PROTECTION OF SENIOR HOMEOWNERS UNDER REVERSE MORTGAGE PROGRAM.

(a) DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

''(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and'';

(2) in paragraph (9)(F), by striking ''and'';

(3) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; such restrictions shall include a requirement that the mortgagee ask the mortgagor about any fees that the mortgagor has incurred in connection with obtaining the mortgage and a requirement that the mortgagee be responsible for ensuring that the disclosures required by subsection (d)(2)(C) are made.''.

(b) IMPLEMENTATION.—

(1) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by subsection (a) in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under paragraph (2) of this subsection.

(2) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by subsection (a). Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(B) of such section.)

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. LAZIO] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have before us the manager's amendment that speaks to certain technical changes and substantive changes that would improve and in some cases expand the bill before us.

Mr. Chairman, this manager's amendment speaks to certain technical changes and improvements in the bill, including the following: There is a technical correction regarding the fact that housing authorities can use any additional money earned from increases in rental income for more housing activities, including the provision of additional vouchers, to try and make our money stretch as far as it can to serve as many people as we possibly can.

We addressed, among other things, the ability of housing authorities to help direct some of their money toward remodeling activities of buildings where cost-benefit analysis would suggest that HOPE VI funds, one of the HUD grant programs, would be relevant and appropriate. We speak to the elimination of certain duplicative language having to do with Operation Safe Home.

We eliminate in title III precise authorization levels and instead in its place insert such sums as may be necessary to allow for the following new assistance. One is incremental, two would be renewals of tenant-based assistance, and three would be relocation assistance under the disposition of public housing in title II.

The reason for that, Mr. Chairman, would be that we are not certain exactly how much we need to authorize in terms of incremental assistance because we are not sure exactly about what disposition of public housing property might be. Namely, we do not know how many buildings will go down, how many cost-benefit analyses will require choice-based assistance; and so therefore, the more prudent course is not to cap it.

There is a provision in this that speaks to the help for nonelderly disabled who might as a consequence of the provisions of this bill be displaced but would allow them in that case to be qualified and to receive vouchers to allow them to participate in any number of programs outside of the traditional elderly only programs such as 202.

There are protections in this manager's amendment that allow the home rule flexibility grant option to be pursued, including rent protections, the inclusion of the community service requirements, and requiring targeting to lower income persons to ensure that the jurisdiction who chooses this option will continue to assist the same percentage of individuals with incomes under 30 percent of area median income as would have been assisted under H.R. 2 and various other clarifications of language that will provide direction to those people that might pursue that option.

Finally, there is an inclusion in this bill of an effort to try and eliminate the excessive fees that have been charged to senior citizens as a result of the reversed equity bill that has been passed by this House and signed into law. We have unfortunately found in some cases fees as high as $10,000 and more have been charged to seniors for services that would be provided for free by HUD, and that of course preys on the most vulnerable citizens in our society. This provision would permit the Secretary of Housing and Urban Development to promulgate rules and regulations that will ensure that that would not occur.

That is, in sum and substance, where we are with this manager's amendment.

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

The CHAIRMAN. The gentleman from Massachusetts [Mr. KENNEDY] is recognized for 5 minutes.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank my friend from New York, Mr. LAZIO, for the efforts that he has made to accommodate a number of the issues, some technical in nature, and others I think of greater substance that were included in the manager's amendment, and I support the manager's amendment.

It does not go as far as we would have liked in a number of areas in terms of targeting and particularly with regard to the block grant provisions where I will have further amendments, and there will be other amendments offered later in the bill to deal with some of these issues.

Mr. Chairman, I do want to indicate that Democrats very much support the changes that have been made to deal with the availability of certificates for the disabled and making technical changes to finance the programs so that PHAs can better develop mixed income housing. I think that is of particular note.

Mr. Chairman, there are important changes that I believe, particularly for the Members from New York and other high density areas, that ought to be aware that contained in this manager's amendment is a program that will allow public housing funds to go to mixed income housing development, thereby changing the face of public housing that has so concentrated the very poor in the past.

There are also, as I mentioned, provisions that I do not believe go far enough with regard to block grants. Also, it has a very important provision, to clamp down on the scam artists in the reverse mortgage program where senior citizens and elderly people will not have to pay exorbitant fees to invest in advisors for the privilege of securing disposable income based on the equity of their home. This has been a terrible scam that we have seen take place around the country.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO] my good friend who worked very hard on some aspects of the manager's amendment.

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

Mr. VENTO. Mr. Chairman, I am very concerned about one of the en bloc amendments.

I want to rise in support of the reverse mortgage amendment which is intended to prevent the abuse of those applying for such mortgage; that is to say that some brokers and agents have, in the process of in fact informing individuals of the availability of a reverse mortgage product have accessed a finders fee on the client which is exorbitant, and consumers need action quickly on this issue.

I would hope that an inclusion in this public housing bill as an expression of support for the reverse mortgage provision in this bill, that it would not subsequently get bogged down in conference, because we know that the difference between the House and the Senate on this bill in the last instance were not able to be bridged. I hope that that is not the case in this instance, as I am sure the subcommittee chairman also is going to work to avoid that.

Hopefully, we will be able to pass this very quickly, and with this expression of support and maybe do it on the House suspension calendar.

As far as the other provisions are concerned, I will defer to my colleague and the staff that have worked on these provisions.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself an additional 1 minute.

I want to come back to some of the changes that I think are important that we continue to try to keep in mind with regard to the block grant. I think the block grant provisions that continue to be contained in the bill and in the manager's amendment basically are very inadequate toward dealing with the idea of sending all of this money back to the States, back to the local communities, without having any stipulations as to how the moneys can actually be spent. I am further concerned about some of the provisions that continue to deal with the targeting and the lack of response to the needs of the very, very poor.

I do appreciate, however, as I have said, the flexibility of the gentleman from New York [Mr. LAZIO] on a number of very technical issues that required amendments in the initial part of this bill. He and his staff deserve a lot of credit, Mr. Ventrone and others, for their reasonableness in trying to work out some of these issues, and we thank the gentleman very much for his consideration.

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

Mr. LAZIO of New York. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. FRELINGHUYSEN] a member of the Committee on Appropriations.

Mr. FRELINGHUYSEN. Mr. Chairman, today I rise in support of H.R. 2, particularly the manager's amendment. First, I would like to thank the gentleman from New York [Mr. LAZIO], the chairman, for his hard work in addressing the housing needs for people all across the country and for his keen desire which we all share to empower people so that they live with dignity and true independence.

I am particularly thankful that the chairman has included in his manager's amendment a technical change that I requested to address the housing needs of individuals with disabilities.

Mr. Chairman, last year we worked together to ensure that $50 million was set aside for tenant-based rental assistance for nonelderly disabled families. This successful effort was possible because of our shared commitment to meet the housing needs of people with disabilities. However, in administrating this program, HUD adopted an overly restricted definition of federally funded assisted housing, which restricted access for the very people this setaside was intended for, individuals with disabilities.

This manager's amendment, Mr. Chairman, the amendment of the gentleman from New York [Mr. LAZIO], corrects the situation and I thank him for his assistance.

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman from New Jersey for his assistance and cooperation. I also wanted to thank again the gentleman from Massachusetts [Mr. KENNEDY] for his cooperation in trying to put this manager's amendment together. Again, it speaks to a number of concerns to provide the flexibility but also to provide the level of protections that we need to ensure that that money is dedicated to low and moderately low-income people.

At the same time, we looked for market-based solutions, competitive solutions to help drive some of our needs or overarching needs for new housing in America. That in fact is one of our goals here, to look for new ways in which we can rechannel the dollars and work as hard as we possibly can to meet the needs of America.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from New York [Mr. LAZIO].

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Housing Opportunity and Responsibility Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Declaration of policy to renew American neighborhoods.

TITLE I—GENERAL PROVISIONS

Sec. 101. Statement of purpose.
Sec. 102. Definitions.
Sec. 103. Organization of public housing agencies.
Sec. 104. Determination of adjusted income and median income.
Sec. 105. Community work and family self-sufficiency requirements.
Sec. 106. Local housing management plans.
Sec. 107. Review of plans.
Sec. 108. Reporting requirements.
Sec. 109. Pet ownership.
Sec. 110. Administrative grievance procedure.
Sec. 111. Headquarters reserve fund.
Sec. 112. Labor standards.
Sec. 113. Nondiscrimination.
Sec. 114. Prohibition on use of funds.
Sec. 115. Inapplicability to Indian housing.
Sec. 116. Regulations.

TITLE II—PUBLIC HOUSING

Subtitle A—Block Grants

Sec. 201. Block grant contracts.
Sec. 202. Grant authority, amount, and eligibility.
Sec. 203. Eligible and required activities.
Sec. 204. Determination of grant allocation.
Sec. 205. Sanctions for improper use of amounts.

Subtitle B—Admissions and Occupancy Requirements

Sec. 221. Low-income housing requirement.
Sec. 222. Family eligibility.
Sec. 223. Preferences for occupancy.
Sec. 224. Admission procedures.
Sec. 225. Family choice of rental payment.
Sec. 226. Lease requirements.
Sec. 227. Designated housing for elderly and disabled families.

Subtitle C—Management

Sec. 231. Management procedures.
Sec. 232. Housing quality requirements.
Sec. 233. Employment of residents.
Sec. 234. Resident councils and resident management corporations.
Sec. 235. Management by resident management corporation.
Sec. 236. Transfer of management of certain housing to independent manager at request of residents.
Sec. 237. Resident opportunity program.

Subtitle D—Homeownership

Sec. 251. Resident homeownership programs.

Subtitle E—Disposition, Demolition, and Revitalization of Developments

Sec. 261. Requirements for demolition and disposition of developments.
Sec. 262. Demolition, site revitalization, replacement housing, and choice-based assistance grants for developments.
Sec. 263. Voluntary voucher system for public housing.

Subtitle F—Mixed-Finance Public Housing

Sec. 271. Authority.
Sec. 272. Mixed-finance housing developments.
Sec. 273. Mixed-finance housing plan.
Sec. 274. Rent levels for housing financed with low-income housing tax credit.
Sec. 275. Carry-over of assistance for replaced housing.

Subtitle G—General Provisions

Sec. 281. Payment of non-Federal share.
Sec. 282. Authorization of appropriations for block grants.
Sec. 283. Funding for operation safe home.
Sec. 284. Funding for relocation of victims of domestic violence.

TITLE III—CHOICE-BASED RENTAL HOUSING AND HOMEOWNERSHIP ASSISTANCE FOR LOW-INCOME FAMILIES

Subtitle A—Allocation

Sec. 301. Authority to provide housing assistance amounts.
Sec. 302. Contracts with PHA's.
Sec. 303. Eligibility of PHA's for assistance amounts.
Sec. 304. Allocation of amounts.
Sec. 305. Administrative fees.
Sec. 306. Authorizations of appropriations.
Sec. 307. Conversion of section 8 assistance.
Sec. 308. Recapture and reuse of annual contract project reserves under choice-based housing assistance and section 8 tenant-based assistance programs.

Subtitle B—Choice-Based Housing Assistance for Eligible Families

Sec. 321. Eligible families and preferences for assistance.
Sec. 322. Resident contribution.
Sec. 323. Rental indicators.
Sec. 324. Lease terms.
Sec. 325. Termination of tenancy.
Sec. 326. Eligible owners.
Sec. 327. Selection of dwelling units.
Sec. 328. Eligible dwelling units.
Sec. 329. Homeownership option.
Sec. 330. Assistance for rental of manufactured homes.

Subtitle C—Payment of Housing Assistance on Behalf of Assisted Families

Sec. 351. Housing assistance payments contracts.
Sec. 352. Amount of monthly assistance payment.
Sec. 353. Payment standards.

Sec. 354. Reasonable rents.
Sec. 355. Prohibition of assistance for vacant rental units.

Subtitle D—General and Miscellaneous Provisions

Sec. 371. Definitions.
Sec. 372. Rental assistance fraud recoveries.
Sec. 373. Study regarding geographic concentration of assisted families.
Sec. 374. Study regarding rental assistance.

TITLE IV—HOME RULE FLEXIBLE GRANT OPTION

Sec. 401. Purpose.
Sec. 402. Flexible grant program.
Sec. 403. Covered housing assistance.
Sec. 404. Program requirements.
Sec. 405. Applicability of certain provisions.
Sec. 406. Application.
Sec. 407. Training.
Sec. 408. Accountability.
Sec. 409. Definitions.

TITLE V—ACCOUNTABILITY AND OVERSIGHT OF PUBLIC HOUSING AGENCIES

Subtitle A—Study of Alternative Methods for Evaluating Public Housing Agencies

Sec. 501. In general.
Sec. 502. Purposes.
Sec. 503. Evaluation of various performance evaluation systems.
Sec. 504. Consultation.
Sec. 505. Contract to conduct study.
Sec. 506. Report.
Sec. 507. Funding.
Sec. 508. Effective date.

Subtitle B—Housing Evaluation and Accreditation Board

Sec. 521. Establishment.
Sec. 522. Membership.
Sec. 523. Functions.
Sec. 524. Powers.
Sec. 525. Fees.
Sec. 526. GAO audit.

Subtitle C—Interim Applicability of Public Housing Management Assessment Program

Sec. 531. Interim applicability.
Sec. 532. Management assessment indicators.
Sec. 533. Designation of PHA's.
Sec. 534. On-site inspection of troubled PHA's.
Sec. 535. Administration.

Subtitle D—Accountability and Oversight Standards and Procedures

Sec. 541. Audits.
Sec. 542. Performance agreements for authorities at risk of becoming troubled.
Sec. 543. Performance agreements and CDBG sanctions for troubled PHA's.
Sec. 544. Option to demand conveyance of title to or possession of public housing.
Sec. 545. Removal of ineffective PHA's.
Sec. 546. Mandatory takeover of chronically troubled PHA's.
Sec. 547. Treatment of troubled PHA's.
Sec. 548. Maintenance of records.
Sec. 549. Annual reports regarding troubled PHA's.
Sec. 550. Applicability to resident management corporations.
Sec. 551. Advisory council for Housing Authority of New Orleans.

TITLE VI—REPEALS AND RELATED AMENDMENTS

Subtitle A—Repeals, Effective Date, and Savings Provisions

Sec. 601. Effective date and repeal of United States Housing Act of 1937.
Sec. 602. Other repeals.

Subtitle B—Other Provisions Relating to Public Housing and Rental Assistance Programs

Sec. 621. Allocation of elderly housing amounts.
Sec. 622. Pet ownership.
Sec. 623. Review of drug elimination program contracts.
Sec. 624. Amendments to Public and Assisted Housing Drug Elimination Act of 1990.

Subtitle C—Limitations Relating to Occupancy in Federally Assisted Housing

Sec. 641. Screening of applicants.
Sec. 642. Termination of tenancy and assistance for illegal drug users and alcohol abusers.
Sec. 643. Lease requirements.
Sec. 644. Availability of criminal records for tenant screening and eviction.
Sec. 645. Definitions.

TITLE VII—AFFORDABLE HOUSING AND MISCELLANEOUS PROVISIONS

Sec. 701. Rural housing assistance.
Sec. 702. Treatment of occupancy standards.
Sec. 703. Implementation of plan.
Sec. 704. Income eligibility for HOME and CDBG programs.
Sec. 705. Prohibition of use of CDBG grants for employment relocation activities.
Sec. 706. Use of American products.
Sec. 707. Consultation with affected areas in settlement of litigation.
Sec. 708. Use of assisted housing by aliens.
Sec. 709. Effective date.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. DECLARATION OF POLICY TO RENEW AMERICAN NEIGHBORHOODS.

The Congress hereby declares that—

(1) the Federal Government has a responsibility to promote the general welfare of the Nation—

(A) by using Federal resources to aid families and individuals seeking affordable homes that are safe, clean, and healthy and, in particular, assisting responsible, deserving citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control;

(B) by working to ensure a thriving national economy and a strong private housing market; and

(C) by developing effective partnerships among the Federal Government, State and local governments, and private entities that allow government to accept responsibility for fostering the development of a healthy marketplace and allow families to prosper without government involvement in their day-to-day activities;

(2) the Federal Government cannot through its direct action alone provide for the housing of every American citizen, or even a majority of its citizens, but it is the responsibility of the Government to promote and protect the independent and collective actions of private citizens to develop housing and strengthen their own neighborhoods;

(3) the Federal Government should act where there is a serious need that private citizens or groups cannot or are not addressing responsibly;

(4) housing is a fundamental and necessary component of bringing true opportunity to people and communities in need, but providing physical structures to house low-income families will not by itself pull generations up from poverty;

(5) it is a goal of our Nation that all citizens have decent and affordable housing; and

(6) our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State, and local governments, and by the independent and collective actions of private citizens, organizations, and the private sector.

The CHAIRMAN. Are there any amendments to section 2?

The CHAIRMAN. The Clerk will designate title I.

The text of title I is as follows:

TITLE I—GENERAL PROVISIONS

SEC. 101. STATEMENT OF PURPOSE.

The purpose of this Act is to promote safe, clean, and healthy housing that is affordable to low-income families, and thereby contribute to the supply of affordable housing, by—

(1) deregulating and decontrolling public housing agencies, thereby enabling them to perform as property and asset managers;

(2) providing for more flexible use of Federal assistance to public housing agencies, allowing the authorities to leverage and combine assistance amounts with amounts obtained from other sources;

(3) facilitating mixed income communities;

(4) increasing accountability and rewarding effective management of public housing agencies;

(5) creating incentives and economic opportunities for residents of dwelling units assisted by public housing agencies to work, become self-sufficient, and transition out of public housing and federally assisted dwelling units;

(6) recreating the existing rental assistance voucher program so that the use of vouchers and relationships between landlords and tenants under the program operate in a manner that more closely resembles the private housing market; and

(7) remedying troubled public housing agencies and replacing or revitalizing severely distressed public housing developments.

SEC. 102. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ACQUISITION COST.—When used in reference to public housing, the term ''acquisition cost'' means the amount prudently expended by a public housing agency in acquiring property for a public housing development.

(2) DEVELOPMENT.—The terms ''public housing development'' and ''development'' (when used in reference to public housing) mean—

(A) public housing; and

(B) the improvement of any such housing.

(3) DISABLED FAMILY.—The term ''disabled family'' means a family whose head (or his or her spouse), or whose sole member, is a person with disabilities. Such term includes 2 or more persons with disabilities living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(4) DRUG-RELATED CRIMINAL ACTIVITY.—The term ''drug-related criminal activity'' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as such term is defined in section 102 of the Controlled Substances Act).

(5) EFFECTIVE DATE.—The term ''effective date'', when used in reference to this Act, means the effective date determined under section 601(a).

(6) ELDERLY FAMILIES AND NEAR ELDERLY FAMILIES.—The terms ''elderly family'' and ''near-elderly family'' mean a family whose head (or his or her spouse), or whose sole member, is an elderly person or a near-elderly person, respectively. Such terms include 2 or more elderly persons or near-elderly persons living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(7) ELDERLY PERSON.—The term ''elderly person'' means a person who is at least 62 years of age.

(8) ELIGIBLE PUBLIC HOUSING AGENCY.—The term ''eligible public housing agency'' means, with respect to a fiscal year, a public housing agency that is eligible under section 202(d) for a grant under this title.

(9) FAMILY.—The term ''family'' includes a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person.

(10) GROUP HOME AND INDEPENDENT LIVING FACILITY.—The terms ''group home'' and ''independent living facility'' have the meanings

given such terms in section 811(k) of the Cranston-Gonzalez National Affordable Housing Act.

(11) INCOME.—The term ''income'' means, with respect to a family, income from all sources of each member of the household, as determined in accordance with criteria prescribed by the applicable public housing agency and the Secretary, except that the following amounts shall be excluded:

(A) Any amounts not actually received by the family.

(B) Any amounts that would be eligible for exclusion under section 1613(a)(7) of the Social Security Act.

(12) LOCAL HOUSING MANAGEMENT PLAN.—The term ''local housing management plan'' means, with respect to any fiscal year, the plan under section 106 of a public housing agency for such fiscal year.

(13) LOW-INCOME FAMILY.—The term ''low-income family'' means a family whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the public housing agency's findings that such variations are necessary because of unusually high or low family incomes.

(14) LOW-INCOME HOUSING.—The term ''low-income housing'' means dwellings that comply with the requirements—

(A) under title II for assistance under such title for the dwellings; or

(B) under title III for rental assistance payments under such title for the dwellings.

(15) NEAR-ELDERLY PERSON.—The term ''near-elderly person'' means a person who is at least 55 years of age.

(16) OPERATION.—When used in reference to public housing, the term ''operation'' means any or all undertakings appropriate for management, operation, services, maintenance, security (including the cost of security personnel), or financing in connection with a public housing development, including the financing of resident programs and services.

(17) PERSON WITH DISABILITIES.—The term ''person with disabilities'' means a person who—

(A) has a disability as defined in section 223 of the Social Security Act,

(B) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which (i) is expected to be of long-continued and indefinite duration, (ii) substantially impedes his or her ability to live independently, and (iii) is of such a nature that such ability could be improved by more suitable housing conditions, or

(C) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for public housing under title II of this Act, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

(18) PRODUCTION.—When used in reference to public housing, the term ''production'' means any or all undertakings necessary for planning, land acquisition, financing, demolition, construction, or equipment, in connection with the construction, acquisition, or rehabilitation of a property for use as a public housing development, including activity in connection with a public housing development that is confined to the reconstruction, remodeling, or repair of existing buildings.

(19) PRODUCTION COST.—When used in reference to public housing, the term ''production cost'' means the costs incurred by a public housing agency for production of public housing and the necessary financing for production (including the payment of carrying charges and acquisition costs).

(20) PUBLIC HOUSING.—The term ''public housing'' means housing, and all necessary appurtenances thereto, that—

(A) is low-income housing, low-income dwelling units in mixed-finance housing (as provided in subtitle F), or low-income dwelling units in mixed income housing (as provided in section 221(c)(2)); and

(B)(i) is subject to an annual block grant contract under title II; or

(ii) was subject to an annual block grant contract under title II (or an annual contributions contract under the United States Housing Act of 1937) which is not in effect, but for which occupancy is limited in accordance with the requirements under section 222(a).

(21) PUBLIC HOUSING AGENCY.—The term ''public housing agency'' is defined in section 103.

(22) RESIDENT COUNCIL.—The term ''resident council'' means an organization or association that meets the requirements of section 234(a).

(23) RESIDENT MANAGEMENT CORPORATION.—The term ''resident management corporation'' means a corporation that meets the requirements of section 234(b)(2).

(24) RESIDENT PROGRAM.—The term ''resident programs and services'' means programs and services for families residing in public housing developments. Such term includes (A) the development and maintenance of resident organizations which participate in the management of public housing developments, (B) the training of residents to manage and operate the public housing development and the utilization of their services in management and operation of the development, (C) counseling on household management, housekeeping, budgeting, money management, homeownership issues, child care, and similar matters, (D) advice regarding resources for job training and placement, education, welfare, health, and other community services, (E) services that are directly related to meeting resident needs and providing a wholesome living environment; and (F) referral to appropriate agencies in the community when necessary for the provision of such services. To the maximum extent available and appropriate, existing public and private agencies in the community shall be used for the provision of such services.

(25) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(26) STATE.—The term ''State'' means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States and Indian tribes.

(27) VERY LOW-INCOME FAMILY.—The term ''very low-income family'' means a low-income family whose income does not exceed 50 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 50 percent of the median for the area on the basis of the public housing agency's findings that such variations are necessary because of unusually high or low family incomes.

SEC. 103. ORGANIZATION OF PUBLIC HOUSING AGENCIES.

(a) REQUIREMENTS.—For purposes of this Act, the terms ''public housing agency'' and ''agency'' mean any entity that—

(1) is—

(A) a public housing agency that was authorized under the United States Housing Act of 1937 to engage in or assist in the development or operation of low-income housing;

(B) authorized under this Act to engage in or assist in the development or operation of low-income housing by any State, county, municipality, or other governmental body or public entity;

(C) an entity authorized by State law to administer choice-based housing assistance under title III; or

(D) an entity selected by the Secretary, pursuant to subtitle D of title V, to manage housing; and

(2) complies with the requirements under subsection (b).

The term does not include any entity that is an Indian housing authority for purposes of the United States Housing Act of 1937 (as in effect before the effectiveness of the Native American Housing Assistance and Self-Determination Act of 1996) or a tribally designated housing entity, as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996.

(b) GOVERNANCE.—

(1) BOARD OF DIRECTORS.—Each public housing agency shall have a board of directors or other form of governance as prescribed in State or local law. No person may be barred from serving on such board or body because of such person's residency in a public housing development or status as an assisted family under title III.

(2) RESIDENT MEMBERSHIP.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in localities in which a public housing agency is governed by a board of directors or other similar body, the board or body shall include not less than 1 member who is an elected public housing resident member (as such term is defined in paragraph (5)).

(B) EXCEPTIONS.—The requirement in subparagraph (A) with respect to elected public housing resident members shall not apply to—

(i) any State or local governing body that serves as a public housing agency for purposes of this Act and whose responsibilities include substantial activities other than acting as the public housing agency, except that such requirement shall apply to any advisory committee or organization that is established by such governing body and whose responsibilities relate only to the governing body's functions as a public housing agency for purposes of this Act;

(ii) any public housing agency that owns or operates less than 250 public housing dwelling units (including any agency that does not own or operate public housing); or

(iii) any public housing agency in a State that requires the members of the board of directors or other similar body of a public housing agency to be salaried and to serve on a full-time basis.

(3) FULL PARTICIPATION.—No public housing agency may limit or restrict the capacity or offices in which a member of such board or body may serve on such board or body solely because of the member's status as a resident member.

(4) CONFLICTS OF INTEREST.—The Secretary shall establish guidelines to prevent conflicts of interest on the part of members of the board or directors or governing body of a public housing agency.

(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) ELECTED PUBLIC HOUSING RESIDENT MEMBER.—The term ''elected public housing resident member'' means, with respect to the public housing agency involved, an individual who is a resident member of the board of directors (or other similar governing body of the agency) by reason of election to such position pursuant to an election—

(i) in which eligibility for candidacy in such election is limited to individuals who—

(I) maintain their principal residence in a dwelling unit of public housing administered or assisted by the agency; and

(II) have not been convicted of a felony;

(ii) in which only residents of dwelling units of public housing administered by the agency may vote; and

(iii) that is conducted in accordance with standards and procedures for such election, which shall be established by the Secretary.

(B) RESIDENT MEMBER.—The term ''resident member'' means a member of the board of directors or other similar governing body of a public housing agency who is a resident of a public housing dwelling unit owned, administered, or assisted by the agency or is a member of an assisted family (as such term is defined in section 371) assisted by the agency.

(c) ESTABLISHMENT OF POLICIES.—Any rules, regulations, policies, standards, and procedures necessary to implement policies required under section 106 to be included in the local housing management plan for a public housing agency shall be approved by the board of directors or similar governing body of the agency and shall be publicly available for review upon request.

SEC. 104. DETERMINATION OF ADJUSTED INCOME AND MEDIAN INCOME.

(a) ADJUSTED INCOME.—For purposes of this Act, the term ''adjusted income'' means, with respect to a family, the difference between the income of the members of the family residing in a dwelling unit or the persons on a lease and the amount of any income exclusions for the family under subsections (b) and (c), as determined by the public housing agency.

(b) MANDATORY EXCLUSIONS FROM INCOME.—In determining adjusted income, a public housing agency shall exclude from the annual income of a family the following amounts:

(1) ELDERLY AND DISABLED FAMILIES.—$400 for any elderly or disabled family.

(2) MEDICAL EXPENSES.—The amount by which 3 percent of the annual family income is exceeded by the sum of—

(A) unreimbursed medical expenses of any elderly family;

(B) unreimbursed medical expenses of any nonelderly family, except that this subparagraph shall apply only to the extent approved in appropriation Acts; and

(C) unreimbursed reasonable attendant care and auxiliary apparatus expenses for each handicapped member of the family, to the extent necessary to enable any member of such family (including such handicapped member) to be employed.

(3) CHILD CARE EXPENSES.—Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

(4) MINORS, STUDENTS, AND PERSONS WITH DISABILITIES.—$480 for each member of the family residing in the household (other than the head of the household or his or her spouse) who is less than 18 years of age or is attending school or vocational training on a full-time basis, or who is 18 years of age or older and is a person with disabilities.

(5) CHILD SUPPORT PAYMENTS.—Any payment made by a member of the family for the support and maintenance of any child who does not reside in the household, except that the amount excluded under this paragraph may not exceed $480 for each child for whom such payment is made.

(6) EARNED INCOME OF MINORS.—The amount of any earned income of a member of the family who is not—

(A) 18 years of age or older; and

(B) the head of the household (or the spouse of the head of the household).

(c) PERMISSIVE EXCLUSIONS FROM INCOME.—In determining adjusted income, a public housing agency may, in the discretion of the agency, establish exclusions from the annual income of a family. Such exclusions may include the following amounts:

(1) EXCESSIVE TRAVEL EXPENSES.—Excessive travel expenses in an amount not to exceed $25 per family per week, for employment- or education-related travel.

(2) EARNED INCOME.—An amount of any earned income of the family, established at the discretion of the public housing agency, which may be based on—

(A) all earned income of the family,

(B) the amount earned by particular members of the family;

(C) the amount earned by families having certain characteristics; or

(D) the amount earned by families or members during certain periods or from certain sources.

(3) OTHERS.—Such other amounts for other purposes, as the public housing agency may establish.

(d) MEDIAN INCOME.—In determining median incomes (of persons, families, or households) for an area or establishing any ceilings or limits based on income under this Act, the Secretary shall determine or establish area median incomes and income ceilings and limits for Westchester and Rockland Counties, in the State of New York, as if each such county were an area not contained within the metropolitan statistical area in which it is located. In determining such area median incomes or establishing such income ceilings or limits for the portion of such metropolitan statistical area that does not include Westchester or Rockland Counties, the Secretary shall determine or establish area median incomes and income ceilings and limits as if such portion included Westchester and Rockland Counties.

SEC. 105. COMMUNITY WORK AND FAMILY SELF-SUFFICIENCY REQUIREMENTS.

(a) COMMUNITY WORK REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (3), each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that each adult member of the family shall contribute not less than 8 hours of work per month (not including political activities) within the community in which the family resides, which may include work performed on locations not owned by the public housing agency).

(2) EMPLOYMENT STATUS AND LIABILITY.—The requirement under paragraph (1) may not be construed to establish any employment relationship between the public housing agency and the member of the family subject to the work requirement under such paragraph or to create any responsibility, duty, or liability on the part of the public housing agency for actions arising out of the work done by the member of the family to comply with the requirement, except to the extent that the member of the family is fulfilling the requirement by working directly for such public housing agency.

(3) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirement under paragraph (1), of each individual who is—

(A) an elderly person;

(B) a person with disabilities;

(C) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(D) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(b) REQUIREMENT REGARDING TARGET DATE FOR TRANSITION OUT OF ASSISTED HOUSING.—

(1) IN GENERAL.—Each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that the family and the agency enter into an agreement (included, pursuant to subsection (d)(2)(C), as a term of an agreement under subsection (d)) establishing a target date by which the family intends to graduate from, terminate tenancy in, or no longer receive public housing or housing assistance under title III.

(2) RIGHTS OF OCCUPANCY.—This subsection may not be construed (nor may any provision of subsection (d) or (e)) to create a right on the part of any public housing agency to evict or terminate assistance for a family solely on the basis of any failure of the family to comply with the target date established pursuant to paragraph (1).

(3) FACTORS.—In establishing a target date pursuant to paragraph (1) for a family that receives benefits for welfare or public assistance from a State or other public agency under a program that limits the duration during which such benefits may be received, the public housing agency and the family may take into consideration such time limit. This section may not be construed to require any public housing agency to adopt any such time limit on the duration of welfare or public assistance benefits as the target date pursuant to paragraph (1) for a resident.

(4) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirements under paragraph (1), of each individual who is—

(1) an elderly person;

(2) a person with disabilities;

(3) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(4) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(c) TREATMENT OF INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS.—

(1) COVERED FAMILY.—For purposes of this subsection, the term ''covered family'' means a family that (A) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in an economic self-sufficiency program, and (B) resides in a public housing dwelling unit or is provided housing assistance under title III.

(2) DECREASES IN INCOME FOR FAILURE TO COMPLY.—Notwithstanding the provisions of sections 225 and 322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding such an assistance program because of any failure of any member of the family to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program, the amount required to be paid by the family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(3) EFFECT OF FRAUD.—Notwithstanding the provisions of sections 225 and 322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced because of an act of fraud by a member of the family under the law or program, the amount required to be paid by the covered family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(4) NOTICE.—Paragraphs (2) and (3) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family obtains written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced because of noncompliance with economic self-sufficiency program requirements or fraud and the level of such reduction.

(5) OCCUPANCY RIGHTS.—This subsection may not be construed to authorize any public housing agency to establish any time limit on tenancy in a public housing dwelling unit or on receipt of housing assistance under title III.

(6) REVIEW.—Any covered family residing in public housing that is affected by the operation of this subsection shall have the right to review the determination under this subsection through the administrative grievance procedure established pursuant to section 110 for the public housing agency.

(7) COOPERATION AGREEMENTS FOR ECONOMIC SELF-SUFFICIENCY ACTIVITIES.—

(A) REQUIREMENT.—A public housing agency providing public housing dwelling units or housing assistance under title III for covered families shall make its best efforts to enter into such cooperation agreements, with State, local, and other agencies providing assistance to covered families under welfare or public assistance programs, as may be necessary, to provide for such agencies to transfer information to facilitate administration of subsection (a) and paragraphs (2), (3), and (4) of this subsection, and other information regarding rents, income, and assistance that may assist a public housing agency or welfare or public assistance agency in carrying out its functions.

(B) CONTENTS.—A public housing agency shall seek to include in a cooperation agreement under this paragraph requirements and provisions designed to target assistance under welfare and public assistance programs to families residing in public housing developments and receiving choice-based assistance under title III, which may include providing for self-sufficiency services within such housing, providing for services designed to meet the unique employment-related needs of residents of such housing and recipients of such assistance, providing for placement of workfare positions on-site in such housing, and such other elements as may be appropriate.

(C) CONFIDENTIALITY.—This paragraph may not be construed to authorize any release of information that is prohibited by, or in contravention of, any other provision of Federal, State, or local law.

(d) COMMUNITY WORK AND FAMILY SELF-SUFFICIENCY AGREEMENTS.—

(1) IN GENERAL.—A public housing agency shall enter into a community work and family self-sufficiency agreement under this subsection with each adult member and head of household of each family who is to reside in a dwelling unit in public housing of the agency and each family on behalf of whom the agency will provide housing assistance under title III. Under the agreement the family shall agree that, as a condition of occupancy of the public housing dwelling unit or of receiving such housing assistance, the family will comply with the terms of the agreement.

(2) TERMS.—An agreement under this subsection shall include the following:

(A) Terms designed to encourage and facilitate the economic self-sufficiency of the assisted family entering into the agreement and the graduation of the family from assisted housing to unassisted housing.

(B) Notice of the requirements under subsection (a) (relating to community work) and the conditions imposed by, and exemptions from, such requirement.

(C) The target date agreed upon by the family pursuant to subsection (b) for graduation from, termination of tenancy in, or termination of receipt of public housing or housing assistance under title III.

(D) Terms providing for any resources, services, and assistance relating to self-sufficiency that will be made available to the family, including any assistance to be made available pursuant to subsection (c)(7)(B) under a cooperation agreement entered into under subsection (c)(7).

(E) Notice of the provisions of paragraphs (2) through (7) of subsection (c) (relating to effect of changes in income on rent and assisted families rights under such circumstances).

(e) LEASE PROVISIONS.—A public housing agency shall incorporate into leases under sections 226, and into any agreements for the provision of choice-based assistance under title III on behalf of a family—

(1) a provision requiring compliance with the requirement under subsection (a); and

(2) provisions incorporating the conditions under subsection (c).

(f) TREATMENT OF INCOME.—Notwithstanding any other provision of this section, in determining the income or tenancy of a family who resides in public housing or receives housing assistance under title III, a public housing agency shall consider any decrease in the income of a family that results from the reduction of any welfare or public assistance benefits received by the family under any Federal, State, or local law regarding a program for such assistance if the family (or a member thereof, as applicable) has complied with the conditions for receiving such assistance and is unable to obtain employment notwithstanding such compliance.

(g) DEFINITION.—For purposes of this section, the term ''economic self-sufficiency program'' means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, financial or household management, apprenticeship, or other activities as the Secretary may provide.

SEC. 106. LOCAL HOUSING MANAGEMENT PLANS.

(a) 5-YEAR PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary, once every 5 years, a plan under this subsection for the agency covering a period consisting of 5 fiscal years. Each such plan shall contain, with respect to the 5-year period covered by the plan, the following information:

(1) STATEMENT OF MISSION.—A statement of the mission of the agency for serving the needs of low-income families in the jurisdiction of the agency during such period.

(2) GOALS AND OBJECTIVES.—A statement of the goals and objectives of the agency that will enable the agency to serve the needs identified pursuant to paragraph (1) during such period.

(3) CAPITAL IMPROVEMENT OVERVIEW.—If the agency will provide capital improvements for public housing developments during such period, an overview of such improvements, the rationale for such improvements, and an analysis of how such improvements will enable the agency to meet its goals, objectives, and mission.

The first 5-year plan under this subsection for a public housing agency shall be submitted for the 5-year period beginning with the first fiscal year for which the agency receives assistance under this Act.

(b) ANNUAL PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary a local housing management plan under this section for each fiscal year that contains the information required under subsection (d). For each fiscal year after the initial submission of a plan under this section by a public housing agency, the agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year.

(c) PROCEDURES.—The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of such plans. Such procedures shall provide that a public housing agency—

(1) shall, in conjunction with the relevant State or unit of general local government, establish procedures to ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act; and

(2) may, at the option of the agency, submit a plan under this section together with, or as part of, the comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the relevant jurisdiction, and for concomitant review of such plans submitted together.

(d) CONTENTS.—An annual local housing management plan under this section for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this Act is to be made available:

(1) NEEDS.—A statement of the housing needs of low-income and very low-income families residing in the community served by the agency, and of other low-income families on the waiting list of the agency (including the housing needs of elderly families and disabled families), and the means by which the agency intends, to the maximum extent practicable, to address such needs.

(2) FINANCIAL RESOURCES.—A statement of financial resources available for the agency the planned uses of such resources that includes—

(A) a description of the financial resources available to the agency;

(B) the uses to which such resources will be committed, including all proposed eligible and required activities under section 203 and housing assistance to be provided under title III;

(C) an estimate of the costs of operation and the market rental value of each public housing development; and

(D) a specific description, based on population and demographic data, of the unmet affordable housing needs of families in the community served by the agency having incomes not exceeding 30 percent of the area median income and a statement of how the agency will expend grant amounts received under this Act to meet the housing needs of such families.

(3) POPULATION SERVED.—A statement of the policies of the agency governing eligibility, admissions, and occupancy of families with respect to public housing dwelling units and housing assistance under title III, including—

(A) the requirements for eligibility for such units and assistance and the method and procedures by which eligibility and income will be determined and verified;

(B) the requirements for selection and admissions of eligible families for such units and assistance, including any preferences and procedures established by the agency and any outreach efforts;

(C) the procedures for assignment of families admitted to dwelling units owned, leased, managed, operated, or assisted by the agency;

(D) any standards and requirements for occupancy of public housing dwelling units and units assisted under title III, including resident screening policies, standard lease provisions, conditions for continued occupancy, termination of tenancy, eviction, and conditions for termination of housing assistance;

(E) the procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system of site-based waiting lists under section 224(c);

(F) the criteria for providing and denying housing assistance under title III to families moving into the jurisdiction of the agency; and

(G) the fair housing policy of the agency.

(4) RENT DETERMINATION.—A statement of the policies of the agency governing rents charged for public housing dwelling units and rental contributions of assisted families under title III and the system used by the agency to ensure that such rents comply with the requirements of this Act.

(5) OPERATION AND MANAGEMENT.—A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned and operated by the agency, and management of the public housing agency and programs of the agency, including—

(A) a description of the manner in which the agency is organized (including any consortia or joint ventures) and staffed to perform the duties and functions of the public housing agency and to administer the operating fund distributions of the agency;

(B) policies relating to the rental of dwelling units, including policies designed to reduce vacancies;

(C) housing quality standards in effect pursuant to sections 232 and 328 and any certifications required under such sections;

(D) emergency and disaster plans for public housing;

(E) priorities and improvements for management of public housing, including initiatives to control costs; and

(F) policies of the agency requiring the loss or termination of housing assistance and tenancy under sections 641 and 642 (relating to occupancy standards for federally assisted housing).

(6) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the agency under section 110.

(7) CAPITAL IMPROVEMENTS.—With respect to public housing developments owned or operated by the agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the developments.

(8) DEMOLITION AND DISPOSITION.—With respect to public housing developments owned or operated by the agency—

(A) a description of any such housing to be demolished or disposed of under subtitle E of title II; and

(B) a timetable for such demolition or disposition.

(9) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing developments owned or operated by the agency, a description of any developments (or portions thereof) that the agency has designated or will designate for occupancy by elderly and disabled families in accordance with section 227 and any information required under section 227(d) for such designated developments.

(10) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned or operated by the agency, a description of any building or buildings that the agency is required, under section 203(b), to convert to housing assistance under title III or that the agency voluntarily converts, an analysis of such buildings required under such section for conversion, and a statement of the amount of grant amounts under title II to be used for rental assistance or other housing assistance.

(11) HOMEOWNERSHIP ACTIVITIES.—A description of any homeownership programs of the agency under subtitle D of title II or section 329 for the agency and the requirements and assistance available under such programs.

(12) ECONOMIC SELF-SUFFICIENCY AND COORDINATION WITH WELFARE AND OTHER APPROPRIATE AGENCIES.—A description of—

(A) policies relating to services and amenities provided or offered to assisted families, including the provision of service coordinators and services designed for certain populations (such as the elderly and disabled);

(B) how the agency will coordinate with State, local, and other agencies providing assistance to families participating in welfare or public assistance programs;

(C) how the agency will implement and administer section 105; and

(D) any policies, programs, plans, and activities of the agency for the enhancement of the economic and social self-sufficiency of residents assisted by the programs of the agency, including rent structures to encourage self-sufficiency.

(13) SAFETY AND CRIME PREVENTION.—A plan established by the public housing agency, which shall be subject to the following requirements:

(A) SAFETY MEASURES.—The plan shall provide, on a development-by-development basis, for measures to ensure the safety of public housing residents.

(B) ESTABLISHMENT.—The plan shall be established, with respect to each development, in consultation with the police officer or officers in command for the precinct in which the development is located.

(C) CONTENT.—The plan shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted, or to be conducted, by the agency, and provide for coordination between the public housing agency and the appropriate police precincts for carrying out such measures and activities.

(D) SECRETARIAL ACTION.—If the Secretary determines, at any time, that the security needs of a development are not being adequately addressed by the plan, or that the local police precinct is not complying with the plan, the Secretary may mediate between the public housing agency and the local precinct to resolve any issues of conflict. If after such mediation has occurred and the Secretary determines that the security needs of the development are not adequately addressed, the Secretary may require the public housing agency to submit an amended plan.

(14) ANNUAL AUDIT.—The results of the most recent fiscal year audit of the agency required under section 541(b).

(15) TROUBLED AGENCIES.—Such other additional information as the Secretary may determine to be appropriate for each public housing agency that is designated—

(A) under section 533(c) as at risk of becoming troubled; or

(B) under section 533(a) as troubled.

(16) ASSET MANAGEMENT.—A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.

(e) CITIZEN PARTICIPATION.—

(1) PUBLICATION OF NOTICE.—Not later than 45 days before the date of a hearing conducted under paragraph (2) by the governing body of a public housing agency, the agency shall—

(A) publish a notice informing the public that the proposed local housing management plan or amendment is available for inspection at the principal office of the public housing agency during normal business hours and make the plan or amendment so available for inspection during such period; and

(B) publish a notice informing the public that a public hearing will be conducted to discuss the local housing management plan and to invite public comment regarding that plan.

(2) PUBLIC HEARING.—Before submitting a plan under this section or a significant amendment under section 107(f) to a plan, a public housing agency shall, at a location that is convenient to residents, conduct a public hearing, as provided in the notice published under paragraph (1), regarding the public housing plan or the amendment of the agency.

(3) CONSIDERATION OF COMMENTS.—A public housing agency shall consider any comments or views made available pursuant to paragraphs (1) and (2) in preparing a final plan or amendment for submission to the Secretary. A summary of such comments or views shall be attached to the plan, amendment, or report submitted.

(4) ADOPTION OF PLAN.—After conducting the public hearing under paragraph (2) and considering public comments in accordance with paragraph (3), the public housing agency shall make any appropriate changes to the local housing management plan or amendment and shall—

(A) adopt the local housing management plan;

(B) submit the plan to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval under subsection (f);

(C) submit the plan to the Secretary in accordance with this section; and

(D) make the submitted plan or amendment publicly available.

(f) LOCAL REVIEW.—The public housing agency shall submit a plan under this subsection to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval for a 45-day period beginning on the date that the plan is submitted to such local official or officials (which period may run concurrently with any period under subsection (e) for public comment). If the local official or officials responsible under this subsection do not act within 45 days of submission of the plan, the plan shall be considered approved. If the local official or officials responsible under this subsection reject the public housing agency's plan, they shall return the plan with their recommended changes to the agency within 5 days of their disapproval. The agency shall resubmit an updated plan to the local official or officials within 30 days of receiving the objections, If the local official or officials again reject the plan, the resubmitted plan, together with the local official's objections, shall be submitted to the Secretary for approval.

(g) PLANS FOR SMALL PHA'S AND PHA'S ADMINISTERING ONLY RENTAL ASSISTANCE.—The Secretary shall establish requirements for submission of plans under this section and the information to be included in such plans applicable to public housing agencies that own or operate less than 250 public housing dwelling units and shall establish requirements for such submission and information applicable to agencies that only administer housing assistance under title III (and do not own or operate public housing). Such requirements shall waive any requirements under this section that the Secretary determines are burdensome or unnecessary for such agencies.

SEC. 107. REVIEW OF PLANS.

(a) REVIEW AND NOTICE.—

(1) REVIEW.—The Secretary shall conduct a limited review of each local housing management plan submitted to the Secretary to ensure that the plan is complete and complies with the requirements of section 106. The Secretary shall have the discretion to review a plan to the extent that the Secretary considers review is necessary.

(2) NOTICE.—The Secretary shall notify each public housing agency submitting a plan whether the plan complies with such requirements not later than 75 days after receiving the plan. If the Secretary does not notify the public housing agency, as required under this subsection and subsection (b), the Secretary shall be considered, for purposes of this Act, to have made a determination that the plan complies with the requirements under section 106 and the agency shall be considered to have been notified of compliance upon the expiration of such 75-day period. The preceding sentence shall not preclude judicial review regarding such compliance pursuant to chapter 7 of title 5, United States Code, or an action regarding such compliance under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1883).

(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan, as submitted, does not comply with the requirements under section 106, the Secretary shall specify in the notice under subsection (a) the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 106.

(c) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan does not comply with the requirements under section 106 only if—

(1) the plan is incomplete in significant matters required under such section;

(2) there is evidence available to the Secretary that challenges, in a substantial manner, any information provided in the plan;

(3) the Secretary determines that the plan does not comply with Federal law or violates the purposes of this Act because it fails to provide housing that will be viable on a long-term basis at a reasonable cost;

(4) the plan plainly fails to adequately identify the needs of low-income families for housing assistance in the jurisdiction of the agency;

(5) the plan plainly fails to adequately identify the capital improvement needs for public housing developments in the jurisdiction of the agency;

(6) the activities identified in the plan are plainly inappropriate to address the needs identified in the plan; or

(7) the plan is inconsistent with the requirements of this Act.

The Secretary shall determine that a plan does not comply with the requirements under section 106 if the plan does not include the information required under section 106(d)(2)(D).

(d) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this title, a public housing agency shall be considered to have submitted a plan under this section if the agency has submitted to the Secretary a comprehensive plan under section 14(e) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b) of this Act) or under the comprehensive improvement assistance program under such section 14, and the Secretary has approved such plan, before January 1, 1997. The Secretary shall provide specific procedures and requirements for such authorities to amend such plans by submitting only such additional information as is necessary to comply with the requirements of section 106.

(e) ACTIONS TO CHANGE PLAN.—A public housing agency that has submitted a plan under section 106 may change actions or policies described in the plan before submission and review of the plan of the agency for the next fiscal year only if—

(1) in the case of costly or nonroutine changes, the agency submits to the Secretary an amendment to the plan under subsection (f) which is reviewed in accordance with such subsection; or

(2) in the case of inexpensive or routine changes, the agency describes such changes in such local housing management plan for the next fiscal year.

(f) AMENDMENTS TO PLAN.—

(1) IN GENERAL.—During the annual or 5-year period covered by the plan for a public housing agency, the agency may submit to the Secretary any amendments to the plan.

(2) REVIEW.—The Secretary shall conduct a limited review of each proposed amendment submitted under this subsection to determine whether the plan, as amended by the amendment, complies with the requirements of section 106 and notify each public housing agency submitting the amendment whether the plan, as amended, complies with such requirements not later than 30 days after receiving the amendment. If the Secretary determines that a plan, as amended, does not comply with the requirements under section 106, such notice shall indicate the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 106. If the Secretary does not notify the public housing agency as required under this paragraph, the plan, as amended, shall be considered, for purposes of this section, to comply with the requirements under section 106.

(3) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan, as amended by a proposed amendment, does not comply with the requirements under section 106 only if—

(A) the plan, as amended, would be subject to a determination of noncompliance in accordance with the provisions of subsection (c);

(B) the Secretary determines that—

(i) the proposed amendment is plainly inconsistent with the activities specified in the plan; or

(ii) there is evidence that challenges, in a substantial manner, any information contained in the amendment; or

(C) the Secretary determines that the plan, as amended, violates the purposes of this Act because it fails to provide housing that will be viable on a long-term basis at a reasonable cost.

(4) AMENDMENTS TO EXTEND TIME OF PERFORMANCE.—Notwithstanding any other provision of this subsection, the Secretary may not determine that any amendment to the plan of a public housing agency that extends the time for performance of activities assisted with amounts provided under this title fails to comply with the requirements under section 106 if the Secretary has not provided the amount of assistance set forth in the plan or has not provided the assistance in a timely manner.

SEC. 108. REPORTING REQUIREMENTS.

(a) PERFORMANCE AND EVALUATION REPORT.—Each public housing agency shall annually submit to the Secretary, on a date determined by the Secretary, a performance and evaluation report concerning the use of funds made available under this Act. The report of the public housing agency shall include an assessment by the agency of the relationship of such use of funds made available under this Act, as well as the use of other funds, to the needs identified in the local housing management plan and to the purposes of this Act. The public housing agency shall certify that the report was available for review and comment by affected tenants prior to its submission to the Secretary.

(b) REVIEW OF PHA'S.—The Secretary shall, at least on an annual basis, make such reviews as may be necessary or appropriate to determine whether each public housing agency receiving assistance under this section—

(1) has carried out its activities under this Act in a timely manner and in accordance with its local housing management plan; and

(2) has a continuing capacity to carry out its local housing management plan in a timely manner.

(c) RECORDS.—Each public housing agency shall collect, maintain, and submit to the Secretary such data and other program records as the Secretary may require, in such form and in accordance with such schedule as the Secretary may establish.

SEC. 109. PET OWNERSHIP.

Pet ownership in housing assisted under this Act that is federally assisted rental housing (as such term is defined in section 227 of the Housing and Urban-Rural Recovery Act of 1983) shall be governed by the provisions of section 227 of such Act.

SEC. 110. ADMINISTRATIVE GRIEVANCE PROCEDURE.

(a) REQUIREMENTS.—Each public housing agency receiving assistance under this Act shall establish and implement an administrative grievance procedure under which residents of public housing will—

(1) be advised of the specific grounds of any proposed adverse public housing agency action;

(2) have an opportunity for a hearing before an impartial party (including appropriate employees of the public housing agency) upon timely request within a reasonable period of time;

(3) have an opportunity to examine any documents or records or regulations related to the proposed action;

(4) be entitled to be represented by another person of their choice at any hearing;

(5) be entitled to ask questions of witnesses and have others make statements on their behalf; and

(6) be entitled to receive a written decision by the public housing agency on the proposed action.

(b) EXCLUSION FROM ADMINISTRATIVE PROCEDURE OF GRIEVANCES CONCERNING EVICTIONS FROM PUBLIC HOUSING.—A public housing agency shall exclude from its procedure established under subsection (a) any grievance concerning an eviction from or termination of tenancy in public housing in any State which requires that, prior to eviction, a resident be provided a hearing in court which the Secretary determines provides the basic elements of due process.

(c) INAPPLICABILITY TO CHOICE-BASED RENTAL HOUSING ASSISTANCE.—This section may not be construed to require any public housing agency to establish or implement an administrative grievance procedure with respect to assisted families under title III.

SEC. 111. HEADQUARTERS RESERVE FUND.

(a) ANNUAL RESERVATION OF AMOUNTS.—Notwithstanding any other provision of law, the Secretary may retain not more than 2 percent of the amounts appropriated to carry out title II for any fiscal year for use in accordance with this section.

(b) USE OF AMOUNTS.—Any amounts that are retained under subsection (a) or appropriated for use under this section shall be available for subsequent allocation to specific areas and communities, and may only be used for the Department of Housing and Urban Development and—

(1) for unforeseen housing needs resulting from natural and other disasters;

(2) for housing needs resulting from emergencies, as determined by the Secretary, other than such disasters;

(3) for housing needs related to a settlement of litigation, including settlement of fair housing litigation; and

(4) for needs related to the Secretary's actions under this Act regarding troubled and at-risk public housing agencies.

Housing needs under this subsection may be met through the provision of assistance in accordance with title II or title III, or both.

SEC. 112. LABOR STANDARDS.

(a) IN GENERAL.—Any contract for grants, sale, or lease pursuant to this Act relating to public housing shall contain the following provisions:

(1) OPERATION.—A provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all contractors and persons employed in the operation of the low-income housing development involved.

(2) PRODUCTION.—A provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a–276a–5), shall be paid to all laborers and mechanics employed in the production of the development involved.

The Secretary shall require certification as to compliance with the provisions of this section before making any payment under such contract.

(b) EXCEPTIONS.—Subsection (a) and the provisions relating to wages (pursuant to subsection (a)) in any contract for grants, sale, or lease pursuant to this Act relating to public housing, shall not apply to any individual who—

(1) performs services for which the individual volunteered;

(2)(A) does not receive compensation for such services; or

(B) is paid expenses, reasonable benefits, or a nominal fee for such services; and

(3) is not otherwise employed at any time in the construction work.

SEC. 113. NONDISCRIMINATION.

(a) IN GENERAL.—No person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program

or activity funded in whole or in part with amounts made available under this Act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

(b) CIVIL RIGHTS COMPLIANCE.—Each public housing agency that receives grant amounts under this Act shall use such amounts and carry out its local housing management plan approved under section 107 in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans With Disabilities Act of 1990, and shall affirmatively further fair housing.

SEC. 114. PROHIBITION ON USE OF FUNDS.

None of the funds made available to the Department of Housing and Urban Development to carry out this Act, which are obligated to State or local governments, public housing agencies, housing finance agencies, or other public or quasi-public housing agencies, shall be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.

SEC. 115. INAPPLICABILITY TO INDIAN HOUSING.

Except as specifically provided by law, the provisions of this title, and titles II, III, IV, and V shall not apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority under the United States Housing Act of 1937 or to housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996.

SEC. 116. REGULATIONS.

(a) IN GENERAL.—The Secretary may issue any regulations necessary to carry out this Act. This subsection shall take effect on the date of the enactment of this Act.

(b) RULE OF CONSTRUCTION.—Any failure by the Secretary to issue any regulations authorized under subsection (a) shall not affect the effectiveness of any provision of this Act or any amendment made by this Act.

AMENDMENTS OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Chairman, I offer several amendments consisting of the amendment of the gentleman from Michigan [Mr. SMITH] which is at the desk and replaces the amendment printed in the RECORD and numbered 37, the amendment of the gentleman from Michigan [Mr. KNOLLENBERG] printed in the RECORD and numbered 34, the amendment of the gentleman from Minnesota [Mr. VENTO] printed in the RECORD and numbered 22, and the amendment of the gentleman from Michigan [Mr. SMITH] printed in the RECORD and numbered 38, and I ask unanimous consent that they be considered en bloc.

I believe, Mr. Chairman, that Members of the minority have the amendments, including the corrected amendment that is at the desk.

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The CHAIRMAN. The Clerk will report amendment No. 37 and designate the remaining amendments.

The Clerk read as follows:

Amendment No. 37 offered by Mr. SMITH of Michigan:

Page 16, line 14, after the period insert the following: ''This paragraph may not be construed to require any public housing agency to provide any programs or services for residents.''.

The text of amendment No. 34 offered by Mr. KNOLLENBERG is as follows:

Page 25, after line 20, insert the following new subsection:

(e) AVAILABILITY OF INCOME MATCHING INFORMATION.—

(1) DISCLOSURE TO PHA.—A public housing agency shall require any family described in paragraph (2) who receives information regarding income, earnings, wages, or unemployment compensation from the Department of Housing and Urban Development pursuant to income verification procedures of the Department of disclose such information, upon receipt of the information, to the public housing agency that owns or operates the public housing dwelling unit in which such family resides or that provides the housing assistance on behalf of such family, as applicable.

(2) APPLICABILITY TO FAMILIES RECEIVING PUBLIC HOUSING OR CHOICE-BASED HOUSING ASSISTANCE.—A family described in this paragraph is a family that resides in a dwelling unit—

(A) that is a public housing dwelling unit; or

(B) for which housing assistance is provided under title III (or under the program for tenant-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act)).

(3) PROTECTION OF APPLICANTS AND PARTICIPANTS.—Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking ''and'' at the end;

(iii) in paragraph (3), by striking the period at the end and inserting ''; and ''; and

(ii) by adding at the end the following new paragraph:

''(4) only in the case of an applicant or participant that is a member of a family described in section 104(e)(2) of the Housing Opportunity and Responsibility Act of 1997, sign an agreement under which the applicant or participant agrees to provide to the appropriate public housing agency the information required under such section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997 for the sole purpose of the public housing agency verifying income information pertinent to the applicant's or participant's eligibility or level of benefits, and comply with such agreement.''; and

(B) in subsection (c)—

(i) in paragraph (2)(A), in the matter preceding clause (I)—

(I) by inserting before ''or'' the first place it appears the following: '', pursuant to section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997 from the applicant or participant,''; and

(II) by inserting ''or 104(e)(I)'' after ''such section 303(i)''; and (ii) in paragraph (3)—

(I) in subparagraph (A), by inserting '', section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997,'' after ''Social Security Act''; and

(II) in subparagraph (A), by inserting ''or agreement, as applicable,'' after ''consent'';

(III) in subparagraph (B), by inserting ''section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997,'' after ''Social Security Act,''; and

(IV) in subparagraph (B), by inserting ''such section 104(e)(1),'' after ''such section 303(i),'' each place it appears.

The text of amendment No. 22 offered by Mr. VENTO is as follows:

Page 40, line 19, strike ''and''.

Page 40, line 19, insert the following new subparagraph:

(G) the procedures for coordination with entities providing assistance to homeless families in the jurisdiction of the agency; and

Page 40, line 20, strike ''(G)'' and insert ''(H)''.

The text of amendment No. 38 offered by Mr. SMITH of Michigan is as follows:

Page 43, line 19, strike ''of any'' and all that follows through line 19, and insert the following:

of—

(A) any homeownership programs of the agency under subtitle D of title II or section 329 for the agency;

(B) the requirements and assistance available under the programs described pursuant to subparagraph (A); and

(C) the annual goals of the agency for additional availability of homeownership units.

OFFERED BY: MR. SMITH OF MICHIGAN

Amendment No. 39: Page 56, strike lines 14 through 18, and insert the following:

Pet ownership policy shall be established by the public housing agency. When establishing such policy, the public housing agency shall consider the positive effects of pet ownership.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. KENNEDY of Massachusetts. Reserving the right to object, Mr. Chairman, I rise to say I might withdraw my objection, but I just want to seek some clarification on a couple of these issues that have been raised.

As I understand it, Mr. Chairman, on the Smith amendment No. 37, that is now going to read something to the effect that this paragraph may not be construed to require any public housing agency to provide any program or services for residents.

I just wondered if the chairman of the committee might explain that to us.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, the language currently does not require the housing authority to perform these functions. However, a lot of my housing authorities feel that the existing language does require them to provide these kinds of services and counseling, so as we talked to the gentleman's counsel and our counsel, they were comfortable with making that more specific, that the PHA's do not have to provide that function.

Mr. KENNEDY of Massachusetts. Continuing to reserve my right to object, Mr. Chairman, the gentleman and I agree on a number of different issues out here. I cannot say that a requirement that says ''This paragraph may not be construed to require any public housing agency to provide any programs or services for residents,'' that sounds patently ridiculous. What are we talking about here?

That is exactly what public housing is supposed to do. I think we ought to be encouraging public housing agencies to work with tenant organizations in

order to make certain that the basic services that are required in order for public housing to work well are in fact included.

I do not know why we would be including language like this. I understand what the gentleman's concerns are, but I do not think that this particular language really gets to the gentleman's concerns.

Mr. SMITH of Michigan. If the gentleman will continue to yield, Mr. Chairman, if the gentleman is not comfortable, I would suggest maybe we move to exclude it, but let me try once more at the explanation.

This is under ''Definitions,'' and it starts on page 15, line 18, of what resident programs are. It is a definition of ''resident program.'' The only other area that ''resident programs'' is referenced is in a funding provision that says ''Included in funding may be these different functions.''

Mr. KENNEDY of Massachusetts. Continuing to reserve my right to object, Mr. Chairman, I understand the concern that the gentleman from Michigan has, but I would like to maybe just ask the chairman of the housing committee, the gentleman from New York [Mr. LAZIO] to engage in a colloquy as well.

I would say to the gentleman, I think this language is far too broad to be actually included in this bill. I would be willing to work with the gentleman between now and the conference to make certain that there could be no misunderstanding, and to perhaps include some language that might get to the concern of the gentleman from Michigan [Mr. SMITH]. But I do not believe this is appropriate language to be included in this bill.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would offer this, if this is acceptable to my friend.

If I could move to have this amendment removed from the en bloc unanimous-consent request, and then I will ask the gentleman from Michigan [Mr. SMITH] to come over and see if we can work out some language. If that is not possible, then we will see what we need to do subsequent to that. But for the time being, what we can do is delete this from the en bloc request.

If this is of some concern to the gentleman, I am happy to try to accommodate that.

Mr. KENNEDY of Massachusetts. Mr. Chairman, on that issue with the dropping of amendment 37 from this en bloc, and with the understanding we will try to work something out, I am happy to withdraw my reservation of objection.

The CHAIRMAN. Does the gentleman from New York [Mr. LAZIO] modify his unanimous-consent request?

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent to withdraw amendment No. 37 from the unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that amendment No. 34 offered by the gentleman from Michigan [Mr. KNOLLENBERG], amendment No. 22 offered by the gentleman from Minnesota [Mr. VENTO], and amendment No. 38 offered by gentleman from Michigan [Mr. SMITH] be considered en bloc.

The CHAIRMAN. The Clerk will redesignate the amendments.

The Clerk redesignated amendment No. 34 offered by Mr. KNOLLENBERG, amendment No. 22 offered by Mr. VENTO, and amendment No. 38 offered by Mr. SMITH of Michigan.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I yield back my time.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, what I want to do is thank the gentleman from New York [Mr. LAZIO], his staff, and the gentleman from Massachusetts [Mr. KENNEDY] for their willingness and cooperation on the language that was part of the request for the amendments en bloc. I believe that that language will do a great deal to reduce the amount of fraud and abuse that exists when an individual is on public housing and the public housing PHA's are required to report their income.

What I wanted to do today, and I am not going to offer it, I wanted to submit another amendment that would go further. The language in the en bloc amendments did not go far enough, in my judgment, but I believe that another time, another day, we will be able to offer this, because what it does, it strengthens the disclosable income that individuals have that is presented to the housing authority.

I want to work continually with the gentleman from New York [Mr. LAZIO], with the gentleman from Massachusetts [Mr. KENNEDY], and also with the Committee on Ways and Means to present this in a fashion that I believe will be a provision that will strengthen further what it is that we want to do. We want to actually eliminate fraud and abuse. We only have so many dollars to go around. My language that would be presented in a second amendment will make sure that as much money as possible goes to those people who need it.

I think the most important thing is that each dollar that is lost due to fraud and abuse denies money to others. Again, I simply want to thank the chairman, the gentleman from New York [Mr. LAZIO], the staff, and the ranking member, the gentleman from Massachusetts [Mr. KENNEDY] for their cooperation and willingness.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Lazio en bloc amendment.

Mr. Chairman, as Members know, in this bill we provide for a 5-year local housing management plan to be developed. I felt it was important, and I offered a committee amendment in the full committee during the consideration that this include consideration in terms of community planning with regard to the homeless and the type of planning that is being done for the total needs of the community, and the nature of that population in this community planning process.

This rewrite of that amendment has won the support of the subcommittee chairman, and I thank him for that support. The homeless issue is obviously important, now as we move this bill to the Senate, that we look to a future rewrite of the McKinney homeless assistance programs, which I know the subcommittee chairman has introduced. This amendment will be helpful in terms of closing the loop in the housing planning process, I believe, so there is no difference in terms of the plans that are developed necessarily by communities under the McKinney, or under this public housing bill that is before us.

I thank the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] again for their support with this amendment.

As Members know, H.R. 2 creates a requirement in section 106 that PHA's must create a 5-year local housing management plan and annual plans that provide information to show housing needs, what resources are available, the policies of the agency governing eligibility and admissions, et cetera.

I revised an amendment I offered in committee because of concerns raised by the chairman of the Housing Subcommittee. My revised amendment No. 22, has been included in the en bloc amendment.

My amendment seeks to improve the local housing management plans by requiring them to include information explaining the procedures for coordination with the entities that provide assistance to homeless families in the jurisdiction of the agency.

It is a simple amendment that seeks to close the loop in terms of community planning for the very low-income persons who are homeless and may have difficulty participating in the public comment period. It will provide for a method to tie together the homeless planning that we envision in a future rewrite of the McKinney homeless assistance programs.

The amendment will assure that the populations who are the most vulnerable in a community, the homeless, will be taken into account in localities planning for the public housing. This is more important as we begin to see the impacts of welfare reform and changes in the targeting provisions of this bill that may increase the ranks of the homeless.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, briefly, I just want to thank my good friend, the gentleman from Minnesota [Mr. VENTO] for all the work he has done on behalf of homeless

families. There is no one in the Congress of the United States who has worked for more years to bring this issue up. He took a great deal of leadership on the original McKinney act, of which those provisions, most of those provisions actually, the gentleman from Minnesota wrote.

He then chaired for many years the homeless committee here in the Congress, and rewrote many of those provisions, and put together, I think, a very, very important block grant proposal that has greatly refined the way those programs operate. He is continuing those efforts today with this provision that tries to make certain we take into account some of the issues pertaining to homelessness when we are dealing with public housing policy.

So I think on behalf of the members of the Committee on Banking and Financial Affairs, and the Subcommittee on Housing and Community Opportunity in particular, we want to thank him for the efforts that he continues to make.

Mr. SMITH of Michigan. Mr. Chairman, I thank my colleagues for supporting and passing my amendment No. 38 in yesterday's Journal that promotes home ownership.

Conventional wisdom in Washington is that low-income families can't afford to own their own homes. Habitat for Humanity and other programs have shown that even families earning $10,000, $15,000, or $20,000 per year can own their own homes. America's families, including those with low incomes, should have the chance to achieve the American Dream.

My amendment encourages public housing agencies to provide assistance for low-income families desiring homeownership. It also directs agencies to establish annual goals for additional homeownership units. This is not a government giveaway program. Each new homeowner would have to save a downpayment, demonstrate the responsibility to be a homeowner, and make timely payments. Housing agencies would work with the community—banks, mortgage originators, realtors, religious institutions, charities, and government agencies—to provide these opportunities.

Owning property and accumulating net worth empowers and motivates the poor. It is a possibility that should be held out to low-income workers who are disciplined and industrious. For the specific language of the amendment, see the CONGRESSIONAL RECORD of April 30 or contact my office at 225–6276.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. LAZIO].

The amendments were agreed to.

AMENDMENT NO. 8 OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer amendment No. 8.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. JACKSON of Illinois: Page 25, line 25, strike the second comma and all that follows through the comma in line 3 on page 26.

Page 27, after line 10, insert the following:

(4) RIGHTS OF OCCUPANCY.—This subsection may not be construed (nor may any provision of subsection (d) or (e)) to create a right on the part of any public housing agency to evict or terminate assistance for a family solely on the basis of any failure of the family to comply with the community work requirement under paragraph (1).

Page 33, line 14, before the comma insert ''(except to the extent that this section specifically limits any authority to evict or terminate assistance)''.

Mr. JACKSON of Illinois. Mr. Chairman, I have some serious concerns with section 105 of the bill which mandates uncompensated community work in return for housing assistance. Evicting residents from their homes if they fail to volunteer is not voluntarism. We cannot mandate voluntarism. The concept is obviously a contradiction in terms.

My amendment would keep section 105 basically intact by requiring public housing residents to fulfill community work requirements. The only change that it will make will be to protect residents from eviction for failure to perform volunteer work in exactly the same way the majority did in the manager's amendment with regard to the target date provision.

Let us be absolutely clear about what we are debating with respect to the work requirements in section 105. I believe we should encourage voluntary community service, because it provides an invaluable benefit to the community and to the persons volunteering their time. I believe public housing residents have a responsibility to maintain their communities in proper condition. I believe poor people should work, want to work in living wage jobs.

Section 105 is not about jobs or voluntarism, however. It, in fact, undermines those objectives and undermines the majority's stated goal of fostering personal responsibility. Community service, when it is voluntary, allows residents to take pride and personal responsibility in their efforts. Forced community work, however, brings to mind the type of punishment imposed by a judge for a crime. It is inappropriate to treat residents of housing assistance as if they have committed a crime simply by being poor.

Forced voluntarism, under penalty of eviction, demeans residents by saying they are lazy. It tells them that we do not trust them to take part in their own communities, so we must force them to do so. There is no pride in community service when it is mandated as if residents have done something wrong.

There are many examples of community service which already exist in our public housing communities today. Many committed residents take part in neighborhood watches, in resident councils, and cleanup efforts. In the Chicago Housing Authority, about 800 residents take part in tenant patrols. No one has tried to force them into these efforts until now. We must not take away their sense of pride by telling them that they are merely fulfilling a mandatory work requirement.

Section 105 also undermines job creation for the very people we are trying to empower, and displaces low wage workers. If we want to encourage self-sufficiency, we should assist residents in finding jobs, not force uncompensated labor. If we create a steady flow of millions of hours of free labor, why would PHA's, nursing homes, or other organizations need to hire employees for housekeeping, for groundswork, for maintenance or other low-wage jobs? Labor groups are strongly opposed to this provision because it will displace low-wage labor with thousands of unpaid servants.

□ 1330

It is no accident that this provision requires 8 hours of work, the number of hours in a regular workday. The most disturbing aspect of section 105 is its disparate treatment of the Nation's poor. In this country we hold adequate housing to be a matter of such fundamental dignity that we provide Federal home ownership subsidies to middle and upper class income Americans in the amount of $86.6 billion per year. By contrast all Federal low income housing assistance equals roughly only $29 billion per year. We do not mandate community work in return for homeownership deductions. Why do we mandate uncompensated labor upon those hit hardest by our Nation's affordable housing crisis?

The message is that you are middle or upper class and can afford a downpayment, then housing is a right. But if you are poor, then adequate shelter is a privilege that you must repay.

One very important thing that the majority seems to forget is that public housing residents do not receive housing assistance for free. They pay rent. On a full-time minimum wage salary earning less than $11,000 per year, residents may not be able to pay as much for rent as others, but they pay what they can.

Section 105 would threaten them with eviction if they do not perform community work in addition to the rent that they already pay. If we begin mandating community work in return for housing assistance, what is next? Will we require community work in return for farm subsidies, for LIHEAP assistance, for Medicare, for Federal insurance for banks and savings and loans, food stamps or corporate welfare?

The 13th amendment to the U.S. Constitution prohibits involuntary servitude, except as punishment for crime. This amendment was enacted so that no person in this country would be forced to work without compensation unless convicted of a crime.

Being poor and receiving housing assistance, Mr. Chairman, is not a crime. On the contrary, the Housing Act of 1937 established that access to adequate shelter should be a basic human right. H.R. 2 would strip this basic dignity from all Americans and abandon our Nation's commitment to ensuring that poor and working class Americans have shelter.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. JACKSON] has expired.

(By unanimous consent, Mr. JACKSON of Illinois was allowed to proceed for 1 additional minute.)

Mr. JACKSON of Illinois. Mr. Chairman, I would like clarification on just one section of the bill. Page 26, line 1, it appears that this bill makes the 8 hours of work a condition of occupancy. Does this mean that a person can be evicted if they fail to perform the work?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, it does.

Mr. JACKSON of Illinois. Mr. Chairman, are we prepared to put human beings and their families on the street if they fail to satisfy this requirement?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will continue to yield, as with other conditions of the lease, it is a legally enforceable element of the lease and can be enforced subject to the force of law in any court.

Mr. JACKSON of Illinois. Mr. Chairman, does this mean that only public housing residents are being singled out for this voluntary work requirement?

Mr. LAZIO of New York. Mr. Chairman, I would say the gentleman's characterization of it being a voluntary work requirement, the bill calls it ''community service,'' and that is, in fact, what it is. It applies to all people who receive the benefits of public housing under H.R. 2.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment of the gentleman from Illinois. I think I have made my feelings about this issue of mandated voluntarism well known in the committee. I hope that my colleagues on both sides of the aisle will take this debate seriously and understand exactly how paternalistic this provision is.

There are no parallels that I have been able to find in any other Federal Government laws. This is not a work requirement. Work implies compensation. This is a volunteer mandate. If you are to live in public housing, you are mandated to volunteer, if that is not inconsistent, 8 hours of work per month, 8 hours of voluntarism.

There is not another parallel in the Federal law. We do not require recipients of the benefits of introductions for homeownership to volunteer their time. We do not require anybody to volunteer their time without being compensated for it. There are no parallels to this except an experiment that we had many, many years ago that we should be ashamed of.

As we have previously talked about, local public housing agencies are being mandated to administer, organize, and run these volunteer programs. The total cost to local public housing agencies, according to Congressional Budget Office estimates, will be $35 million per year. That is $35 million per year that local housing authorities could spend on other housing needs. They must now hire somebody to run these programs.

My colleagues on the committee and the proponents of this bill have failed to address the liability issues associated with this provision. If I am an elderly person and I am mandated to go, a poor person, and I am mandated to go out and volunteer time, I am cutting grass in the public square, a piece of glass flies up and cuts me on the leg. Guess what this bill says? It says the housing authority has no liability. Nobody has any liability other than the person that we sent out there and mandated that they do this work. So there is no provision for what happens if somebody gets hurt. We should not be doing this, Mr. Chairman.

I know it sounds like a good idea, as we sit in our ivory towers and we try to make it sound like these people who live in public housing are irresponsible and trifling and do not want to do anything, but that is inconsistent with my experience. The public housing residents are already voluntarily, they do not have to be mandated, they are voluntarily, many of them, keeping up their communities, going to community watch meetings, going to various meetings that they must go to to try to make their lives better. And here we are mandating that they volunteer.

This is a mandated requirement. There is no parallel. I ask my colleagues to take this provision from the bill and pass the amendment of the gentleman from Illinois [Mr. JACKSON].

Mr. LAZIO of New York. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Let us first identify what this amendment is not about. This amendment is not about striking the community service portion from the bill. What it is about is striking the provision that allows us to enforce it. Why in the world would we have something in the bill that we consider a requirement, a condition of a leasehold, and then not allow for enforcement?

What that does, Mr. Chairman, is to encourage people to disrespect the rules, the mutual obligations, and the laws that we put in place. We are either for it or not for it.

This is not without precedent. We ask people who get medical school scholarships to contribute a certain amount of time in low-income areas in their practice. I wonder if we tied this to this amendment if this House would still vote for it, if we said people no longer, students no longer need to work low-income areas in exchange for their scholarship money.

This House has adopted the Americorps Program, and many people might say that the people that participate in Americorps could not pursue an education but for the fact that they are asked to do something in return, a sense of reciprocity. We are asking not 18 or 80 hours a month; we are asking 8 hours a month, 2 hours a week in return for rental payment, for an apartment, and in many cases utilities.

We are asking people to contribute in any number of ways, whether it is from sweeping their own halls to removing graffiti to helping with the Neighborhood Watch Program, to helping with the not-for-profit in their own backyard.

Let me tell my colleagues something: When we say this, we are saying we also respect you as tenants, we respect the fact that we think that you can contribute to your community, we think that you have talents, we think that some of the residents may find that they have talents that they had not recognized previously, talents that include teaching other people, helping other people, organizing, managing, working.

This is an effort to reconnect people with civic responsibility, and it is both an unfair and inaccurate representation to compare these things to issues involving deductions in the Tax Code. Because if you do that, you must presume that the Government has the first claim on your money and then you are lucky to get some back.

This is the case of a benefit for people who are not able to get into public housing, and that is the majority of people. We have heard in this Chamber that we are probably meeting the needs of only one-quarter of the population who needs help. And for those three-quarters who are not lucky enough to get into public housing, they are not working 8 hours a month, they are not working 8 hours a week, they are working 30 and 40 and 50 and 60 hours a month simply to pay the rent; and that does not even include the utilities and maintenance costs for the places that they live.

It is entirely reasonable to ask people who have asked for public housing who are receiving a benefit to contribute back to their community and to help themselves. We are not asking people to give to Big Brother in Washington. We are asking people to help their own neighborhood, to start with their own hallway, their own building, their own complex, their own development.

Mr. Chairman, we are exempting people who are elderly from this provision, we are exempting people who are disabled in this provision, we are exempting people who are employed part time or full time from this provision. We are simply asking people to give back who are able-bodied, who are younger or middle-aged and who have the capacity to give something, anything, back to their community.

How that strikes anybody as unreasonable is really beyond me. It is a sense of helping to reconnect America. I hope that we ask more Americans to contribute to their neighborhoods and to their communities. We have almost

1½ million families in America that avail themselves of the benefit of public housing. Probably less than one-third of those would be eligible and ask to participate through this program. But even with that, we are talking about hundreds of thousands of Americans contributing to improve their own community.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think there could be any more classic example of this House, particularly the Republican Party, in equating poverty with a morality. That is what this amendment gets to.

Basically, what is suggested here is that, if you are poor and you are eligible for public housing, you must volunteer or you are going to be thrown out of your house. We have a provision in our bill that asks people to volunteer. I think it is wonderful that we encourage people to volunteer.

□ 1345

But this provision that is contained in the bill as it sits right now does not ask. As the gentleman from New York [Mr. LAZIO] just said he wants to ask people to volunteer, this does not ask anybody. This says if they do not, they are out.

Now, I have supported provisions in the welfare bill that say that people who accept funds in the form of welfare from their government ought to be expected to work, and if they refuse their job, they should be thrown off welfare. I believe that. But it is news to me that we are going to start down all the programs that we provide and say that as a fundamental moral suggestion that if an individual receives any benefit from the Federal Government they must volunteer.

Is that where we are at today? Because if it is, I might actually support this provision. I would be interested in whether or not we can convince our Republican colleagues to say that anybody that receives any benefit whatsoever from the Federal Government, particularly in terms of equating the amount of money they get in benefits for receiving public housing, that they have to volunteer.

So let us take everybody that invests in project-based section 8. Should we ask all of them, that get a heck of a lot more money than the monthly subsidy that comes to the poor families that are already paying 30 percent of their income in rent, the vast majority of whom are already working, they just do not make enough money to be able to pay the rents that landlords can receive in most of the cities and towns across our country.

It may be news to some people around here, but the truth of the matter is minimum wage jobs simply do not allow people to pay the rents that can be required by the rest of this society without paying 50 or 60 percent of their annual income in rents, so we have housing programs that make up the difference. Now we are saying, listen, if an individual gets that housing program, in addition to everything else they have to go out and volunteer or else we will snap their housing program back.

All I say is, fine, let us go ahead and start with this mandate. Let us start it across the board. Let us go to the oil and gas industry and say to the oil and gas fellows, I used to be one before I came to the Congress, let us say to them, anyone who gets an oil depletion allowance, let us say to them they have to volunteer. Anybody who receives a timber subsidy, let us see if they want to go out and volunteer. Anybody around the Congress of the United States maybe, because we get paid by the Government. Maybe all of us ought to volunteer.

There are a lot of reasons to suggest that voluntarism ought to work and ought to be encouraged in America, but to try to suggest that we are going to do this only for residents of public housing is essentially immoral. It requires not a level of morality to say we are going to choose one particular group that everybody in the country seems to like to beat up on as the fundamental building block of all the moral decay of America.

What we do is we go before some monstrosity of public housing and say look at the disaster. Let us look at the way we treat our poor and then let us scold them for the conditions they live in, and then let us condemn them and say that the reason why they are poor is because they do not work. The reason why they are poor is because they live like animals. The reason why they are poor is because they do not have any sense of righteousness on their behalf in terms of how they treat one another.

So we will come here as a Congress and we will say, we know that they are the evil of America and we are now going to require them to go out and work. I say, listen, fine, let us encourage people to go out and volunteer. Let us encourage people to take ahold of their own destinies and to move themselves out of poverty, but let us not do it in a gratuitous, paternalistic way that ends up condemning the poor and contributing to the notion in this society that somehow the wealthy and powerful have greater morality than the poor and the vulnerable.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

First, I think we have to be very careful about semantics. It has been suggested that this is a voluntary mandate. It is not. This is work for benefit. It is a traditional, old-fashioned American precept.

There is a suggestion here that this is a Republican effort; that poverty equals immorality. Extraordinary. An extraordinary observation. And yet, so that we understand what is happening here, this is proposed by the Democratic administration.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. The truth of the matter is the Democratic version does not throw a person out of their house.

Mr. LEACH. Reclaiming my time, Mr. Chairman, the Democratic version is what the gentleman is offering to this bill. The Democratic administration is what I referred to.

I will be very precise. This administration submitted a bill to the Committee on Banking and Financial Services which was introduced by request of the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY]. That bill contained 8 hours of community service as a requirement. That approach was endorsed in the last Congress by Secretary Cisneros.

What we have here is an approach that has been suggested that there are no parallels. The fact of the matter is the AmeriCorps Program might be defined as paid voluntarism. It is a parallel. It is not like this. This is work for benefit.

We have a number of education loan programs where when teachers work, for example, in the math area, their loans are considered written off. The work study programs is a similar analogy. There is a Perkins Loan Program where medical students are required to work in low-income environments. If an individual graduates from a military academy, that person must serve their country. Americans have a long tradition of wanting people that receive benefits to do something in return for those benefits.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the distinguished chairman for yielding.

When one volunteers for the military, one receives compensation for that service. When one receives a medical scholarship and then subsequently works in a low-income community, one receives compensation for that. Why are we requiring of poor people in public housing the only compensation that they volunteer?

Mr. LEACH. Reclaiming my time, Mr. Chairman, housing is part of the compensation. It is part of the compensation in the military, it is part of the compensation in other things as well, as well as in certain student environments.

And let me also be very clear. The issue of the minimum wage was raised. As someone who supported the recent raise in the minimum wage, let me say anyone that is working for a minimum wage or higher does not come under this requirement. It is not a part of this circumstance. Anyone that is

working is not required to participate in this program.

Let me also say the issue of paternalism has been raised. And I would like to go back to the issue of the week, where we had three Presidents of the United States meet under Colin Powell in Philadelphia to discuss voluntarism—which was largely well received by the American public. But the criticism, to the degree it is rendered, has been is that it is not a bit paternalistic?

So what this is, is not outsiders coming in for community service, it is for insiders to serve their own community in appropriate, thoughtful ways defined at the local level, not by outsiders. That is the reverse of paternalism. It is work for benefit. There is an element of pride, of community service.

Finally, there is an issue of reform here. I know of nothing that implies more of the status quo than the current system. We are trying to get the American public to support housing for poor people. This committee has come forth with a bill at precisely the administration's request for dollars and calling for community service reform as advocated by the administration.

The minority side in this body is objecting. In my judgment, one of the great questions that we have to ask is, Who is philosophically in step? Is it the administration with the Republicans in Congress or is it the minority in this body?

I would say the American people, as I listen to my constituents, as I get phone calls from around the country, as I read my mail, is saying let us put a work requirement to the degree possible in Federal programs. That is what this is.

Ms. KILPATRICK. Mr. Chairman, I move to strike the requisite number of words.

This debate has been very fruitful and enlightening, but I want to go back to 1937 when Franklin Delano Roosevelt instituted the legislation that put forth public housing in America. At that time and certainly some 60 years later some Americans are in need of public housing. Some Americans find themselves in need, as they did in 1937, to have the Federal Government assist them in safe, decent housing.

As we debate H.R. 2, and we began this yesterday, I stand here supporting the Jackson amendment. I think the issue is not whether they ought to volunteer. Public housing residents volunteer all the time, as many of us do, in large proportion. Many public housing residents volunteer their time at their site to do wonderful things with their site, with the buildings, with their family. It is happening already.

The objection which the Jackson amendment supports is the mandate. We do not have to mandate poor people to volunteer; they do that. Actually, public assistance people are already required by the welfare bill just passed to volunteer 25 hours. This 8 hours will be on top of that.

What poor people want is a job. They do not want a handout, in spite of what you might think. This is an unfunded mandate. It would be a monster administratively for the public housing authorities even to administer this provision. But I think this Congress does ourselves, America, and poor people a disservice when we assume that they do not want to work, because they do; when we assume that they do not want to volunteer, because they do.

A high percentage of people in public housing are on welfare. They are required, by a law that was passed by this Congress in the 104th and signed by the President, to work, to volunteer 25-plus hours.

So the Jackson amendment should be considered. It should be passed. It should be included as it is not now in H.R. 2. One thing that this Jackson amendment does do is not mandate but continue the voluntarism that public recipients are already doing.

What H.R. 2 does not have in it is a grievance procedure, so that when these people who already have to do the 25 hours, who already now will have to do 8 additional hours, do not have an avenue to even speak to. The grievance procedure has been moved out of H.R. 2. Those people now volunteering 32 hours of their life a month will have to go straight to court or be evicted. Our homeless population will increase.

Mr. Chairman, I support the Jackson amendment.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the distinguished gentlewoman for yielding.

The distinguished chairman of the committee indicated that this was against Colin Powell's summit on voluntarism. Forced, mandated voluntarism is not what was discussed in Philadelphia this past week.

I believe in voluntarism, Democrats believe in voluntarism, and I genuinely believe that Republicans also believe in voluntarism, if that definition means emanating from self-will, from self-definition, one's own choice and consent, and not a Government mandate.

And I want to ask a question of the chairman if he would be so willing. Is the chairman willing to evict people who live in public housing for failure to volunteer 8 hours a month?

Mr. LEACH. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from Iowa.

Mr. LEACH. First, Mr. Chairman, let me say to the gentleman I made reference to the weekend's work on voluntarism. I did not say this was part of voluntarism. This is work for benefit.

Ms. KILPATRICK. Mr. Chairman, reclaiming my time, if I might, as lively a debate as we are having today, and I know we will go on and on, let us not forget that poor people want to work. Poor people do volunteer. Let us support the Jackson amendment.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

The amendment offered by the gentleman from Illinois, I think, raises some very interesting ideas. The point being, how do we protect civil liberties once somebody accepts welfare?

□ 1400

This is not unique to just public housing, because in many ways this happens in our public schools. Public schools, we go there, but we still want to protect our civil liberties and we cannot overly dictate, and yet we have rules and regulations. Although I think these points are very important that the gentleman brings up, I am inclined not to support his amendment, but I think they are worth talking about.

First, I think the point about the other recipients of the welfare in the housing program is very important. Last week there was a rumor going around that I might introduce legislation that would repeal all of HUD, which would be a proper, good economic position and a proper constitutional position. I had a lot of phone calls. But none came from the poor people. They all came from the wealthy people, those who were receiving $850 rents for $400 houses, those who get to build the buildings, those who are the contractors and those who do the financing. They are very interested in this program.

I think the gentleman has a very good point. If we are going to punish people receiving welfare or have requirements, put the requirements on the others as well. I think this is very legitimate. But I think the idea of civil liberties, the whole notion here, the definition, has been distorted, because the one thing I think so many people forget, we should have concern about the civil liberties of those in a housing development.

For one, I have seen great danger about the abuse of the fourth amendment when it comes to the tenement houses, where they can go in without the proper issuing of a search warrant. I think that is very, very bad and seems like maybe that would put me over the line and say we should not permit this. Just because they belong, or they are living in Government housing, that should not allow us to say they have sacrificed their protections.

So I think this is important. But there are some civil liberties also of others that we have not discussed at all, because we are talking about the protection of the civil liberties of those who are receiving a house. What about the person who is paying for the house? It is assumed by so many that the wealthy are paying for these houses, but under our very regressive tax system, if we look at the amount of money the poor people pay through FICA, they are the ones who are paying. The wealthy do not pay the taxes.

So the poor individual, the low, middle income, the individual who is capable of still taking care of himself, is

hurt the most by what we do here in the Congress. Whether it is public housing or the deficit or our monetary system, these are the individuals who are hurt and are pushed aside. But they are losing their homes because we are pretending to do good to others and provide houses for them. So we should be concerned about their civil liberties as well, but it seems like we forget that.

But this whole notion about work condition, how many people can stay in a room, the search and seizures, I think these are very, very important and should not be ignored. But again we should not ignore the civil liberties of those who had to work and pay for these houses because quite frankly I think we should ask the question.

It is assumed by so many that we have a constitutional, natural right to a house. That is not in the Constitution. We have a right to our liberty, we have a right to our life, we have a right to pursue our happiness, and we ought to have the right to keep what we own. So think of the civil liberties of those who suffer when you take.

I agree that we should think of the benefits accrued to the welfare recipients and what kind of conditions we have, but I think we should think about the benefits accrued to the businessman who really is benefiting from these programs as well.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman for yielding. I appreciate the spirit of his critique. I would like to make the argument, however, that my amendment specifically addresses condition of occupancy. Are we prepared to put people who live in public housing, to evict them for failure to volunteer 8 hours a month? I would appreciate the gentleman's answer to that.

Mr. PAUL. Yes; and I have great sympathy for the gentleman. It is just I believe that some conditions do exist in everything we do in Government. You do not go into a public school without conditions. You cannot come in there and be disruptive, or you get thrown out. So if there are conditions, you come in, and the contract is the person who accepts the housing comes in, voluntarily accepting Government housing under the conditions that they will do A, B, and C.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just wonder, given the formulation that the gentleman has made about the responsibilities of individuals and of Government, is it his contention, and would he support an amendment that would suggest that anybody, for instance, that gets benefit from the Eximbank or FmHA, that those individuals have a responsibility as a term and condition of those loans and of those programs to volunteer as well, or is it just the members of public housing?

The CHAIRMAN. The time of the gentleman from Texas [Mr. PAUL] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. PAUL was allowed to proceed for 30 additional seconds.)

Mr. PAUL. Mr. Chairman, I think that would be a very good suggestion. Seeing that I think the Export-Import Bank is welfare for the very wealthy businessman, I think the conditions would be very good.

Mr. KENNEDY of Massachusetts. I would like to perhaps work with the gentleman from Texas [Mr. PAUL] on these kinds of issues.

Mr. PAUL. I will think about that and think about the ramifications, but I certainly will consider it.

Mr. KENNEDY of Massachusetts. Do not back off now.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Let me begin with that point and assure the gentleman from Texas and others that when the Export-Import Bank reauthorization comes up, and I am for the Export-Import Bank, I think it performs an important function, but I think we will offer an amendment to require some community service.

Colin Powell has been invoked. One of the things that my friend the chairman is very good at is the principle of selective invocation. The President alternatively is someone to be scorned and someone whose word is not to be questioned when there is an unpopular issue he wants to hide behind.

Colin Powell specifically criticized the corporate sector. My colleagues may have read he asked to be invited to speak to the boards of directors, where the corporate executives have said voluntary work and contributions are not in the shareholders' interest.

We will offer an amendment, I guarantee to the gentleman, applying this principle, if it is to be mandatory, to the Export-Import Bank. We will not evict them from their homes, their homes are generally too large to find them, the people who live in them, but we will make it a condition.

We should also do it with Farmers Home. We have in this committee jurisdiction over the Farmers Home Program, a very justified and sometimes very comfortable level of subsidy. The gentleman says, no, how can you say we are doing this because of some animus against poor people? How can that be? I should have said, no, it is about urban poor people. When has anyone ever suggested doing this for the Farmers Home Program? A direct benefit. We are not talking now about a tax subsidy, we are not talking about a tax thing.

This committee has jurisdiction over a lot of benefits. One group, the poorest among us, are being singled out. I would also say, people have said, well, they should have jobs. Frankly, one thing that is going to happen, more people in public housing will be unemployed if the Federal Reserve has its way. I wish the chairman would join us in having a hearing on the Federal Reserve System.

The gentleman who just spoke talked about the monetary system. The Federal Reserve Open Market Committee just decided that we have about 450,000 too many jobs in America. It is very clear if you look at them that they thought when unemployment went from 5.5 down to 5.2 that that had exceeded what they thought was the level of jobs and they are moving to increase it.

By the way, when you talk about the very wealthy, they are solicitous there. Mr. Meyer in his speech said that the Fed had to act to ''validate the bond market.'' God forbid there should be low self-esteem on Wall Street. We will step in there. But the cost of validating the bond market is about .3 percent, we can estimate, of unemployment, another 436,000 people thrown out of work, more than that.

I would say to the chairman, let us have a hearing. Many of us, every single Democrat, the Independent member of the Committee on Banking and Financial Services have asked for a hearing. The chairman is refusing to allow us to have a hearing until after two more meetings of the Open Market Committee. These are tied in, these are relevant, I would say to the Parliamentarian anticipatorily, because the more we let the Federal Reserve, without debate, increase unemployment in America, the greater we will exacerbate these conditions.

The fact is that there is one other great example of selective principle on the Republican side here. This is not a mandate, but it is mandatory imposition on every public housing authority in America. Public housing authorities may say, well, you know in our case it would not make sense. The general principle of requiring people to work may be a good one, but in this particular circumstance given the nature of our buildings, given the neighborhood we are in, given the population we have, it would not make sense. What is the Republican answer to a housing authority that says in our special local conditions that would not make sense. The answer is: The Federal Government knows best, shut up and do it.

This is an example of as binding a centrally imposed detailed requirement as you will see. Maybe in my housing authority it should be 6 hours. Maybe it should be 12. No, 8 hours. We are going to tell every housing authority everywhere in the country exactly what they have to do. When it comes in fact to roughing up the poor a little bit, and the gentleman from Iowa is correct, he says he feels in tune philosophically with the American people. Unfortunately I think that is correct. I

think public housing has been so mischaracterized and the misunderstanding of what drives people into poverty is so widespread that he may well be philosophically in tune with the American people, but I would rather be philosophically in tune with the fundamental moral principle of decency and compassion and social justice. And to say to the people who get a lot of money through the Export-Import Bank, or housing through the Farmers Home, Godspeed, not a nickel in return. But to the poorest of the poor, you will do 8 hours of work a month whether your housing authority makes sense or not.

I do not think that is a very good idea. I am not sure what the President of the United States thinks about that. If it gives comfort to the chairman of the committee, that instead of having to defend it on the merit he can invoke the President, he is welcome to invoke the President. But I do not think that selective invocation of an administration with which he is often in disagreement helps when we are talking about the violation of fundamental principles of States rights and fairness. I hope the amendment is adopted.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 30 additional seconds.)

Mr. JACKSON of Illinois. Mr. Chairman, to the best of my knowledge, there is not one Member of this body who is homeless and not one Member of the Senate who is homeless. Some of us I know stay in our office, which is certainly a Federal benefit because we do not pay rent here in Washington, DC. However, none of us have ever signed a lease term that evicts us as a condition of our Federal subsidy.

Mr. BAKER. Mr. Chairman, I move to strike the requisite number of words.

There appears to be quite a bit of confusion over the subject before the House now, Mr. Chairman. It seems we do not recall the actions of this House just last Congress when a majority of Republicans and, yes, a majority of Democrats voted for a proposal which included workfare. Did it require 8 hours a month or 8 hours a year? No, it required some 80 hours of work in order for a recipient to continue to receive Federal benefits. That target not only stays at 80 hours, but it increases to 30 hours a week, or 120 hours, by 2000.

So the precedent for work for benefits received has been adopted by this House, by a majority of Members on both sides. During the course of that debate no one suggested it was demeaning, it was somehow inappropriate public policy but yet it was the right thing to do in order to facilitate transition. What transition? If one walks through public housing today, I would not say all public housing, I think we will agree there are many public housing projects in America today that are well run, that are well kept, where there are not significant problems, but in many of our urban centers, unfortunately one in my own State, in the city of New Orleans, it is not beyond deplorable, it is a bomb site, it is a disaster, it is an embarrassment.

In fact, I am reluctant to say it, but it is true, the U.S. Government has become the world's largest slum landlord. We warehouse people like tires in buildings and we stack them in there with no hope, no future, no prospect for a better tomorrow. Moms who do not have the ability to read, dads who do not have job skills, kids whose only role model is the drug dealer in the courtyard. They have no place to go. There is no future. That is why 13-year-old kids shoot another 13-year-old over tennis shoes, because they do not believe that tomorrow will be any better than today. They are without a sense of direction or hope.

So what are we doing with this wild Republican proposal? Are we mandating things that are unreasonable? No, we are saying to a person who is living in housing provided by the U.S. Government and taxpayers that if you are not already under the workfare requirement of the welfare proposal, if you are not disabled, if you are not elderly and, by the way, if you happen to have a job, you are not subject to this requirement. We are saying to those few people who remain, we would like you to get out of that public housing unit and do something in your community.

Why? Are we invoking some sort of slavery, as some have suggested, on these individuals? No, there is another purpose behind this. It is to let that individual who stayed within the walls of public housing get out into the community and learn what skills are necessary to get a real job. And perhaps some of the work these individuals may do in this volunteer effort may enable them to get employed. Nothing is more dignity building, establishing more esteem, giving a person more hope than to go earn a paycheck and pay for their own child's tennis shoes without the Federal Government having to say, here it is on a plate, we know better, we know how to take care of you.

If I am wrong, let us look back the past 60 years since the 1937 act passed and see what has happened to people who are poor in this country. You tell me that the Federal Government has done its job in providing for the needs of these individuals? I tell you they have not. I tell you it is an embarrassment.

This bill that the gentleman from New York [Mr. LAZIO], the chairman, is bringing forth to this House is not only right, it is an effort to restore dignity to the poor of this country. Working families across this country get up every morning, mom, dad, sometimes the kids go to work. They work 40 hours, 50 hours. They take their little paycheck after FICA, income tax, anything that is left, they pay their house note. What happens if they do not? They get evicted. What happens if they do not buy the kids tennis shoes and blue jeans? Well, it is an embarrassing situation. You have got to take care of those needs. They provide for their children. What they are saying to me is, we do not mind helping people in need. We do not think it is inappropriate for you to use our resources to help a guy when he is down. But do not turn public housing into a permanent retirement village where you can never move on; do not take my money and give it to people who will not make the effort to help themselves or their own families; give them a break, give them an opportunity, but hey, guys, if they do not want to take the first step, there is an end to this process.

Mr. Chairman, that is what the Lazio bill is about.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Massachusetts.

□ 1415

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to point out to the gentleman from Louisiana [Mr. BAKER] that while many of the conditions that he has articulated have in fact evolved in terms of public housing policy, that first and foremost 40 percent of the residents in public housing are senior citizens, there are 3,400 public housing authorities in this country, there are 100 out of the 3,400 that are in trouble. The Democratic version of this bill, RICK, in fact allows the Secretary to take over those badly run housing authorities, it allows the Secretary to take over badly run housing projects within well-run housing projects.

Mr. BAKER. If I may reclaim my time just to respond briefly.

Mr. KENNEDY of Massachusetts. We just have a basic disagreement.

Mr. BAKER. The basic number of people the gentleman cites as far as units are correct, but the vast number of people that are involved are far more significant because of very large, very troubled housing units.

There is one more important part about this legislation that I think is important to observe.

That is, the bill does allow a working person on welfare to keep earnings as opposed to giving it up for rent, a very important part of this legislation.

Mr. KENNEDY of Massachusetts. And that is contained in this version of the bill.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind all Members of the importance of using proper forms of address. By directing remarks to the Chair and thereby refraining from speaking in

the second person, Members avoid undue familiarity and thereby maintain that level of formality which properly dignifies the proceedings of the House. The first step in avoiding personalities in debate is to refer to another Member as, quote, the gentleman from Virginia or whatever the appropriate State might be.

Mr. KENNEDY of Massachusetts. Would the Chairman explain why that is so important here?

The CHAIRMAN. The Chair has just read why that is important. This refers to referring to a Member by their first name.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

First of all I want to compliment the gentleman from Illinois [Mr. JACKSON]. He brings to this House an enormous capacity for work. He brings it a sense of decency and dignity and also wisdom beyond his years. So I am very proud to be associated with him.

I support the amendment offered by the gentleman from Illinois [Mr. JACKSON]. In the first place it is absurd to say that community service hours required by H.R. 2 are voluntary. In fact the bill says that unless one does the service they can be evicted from their home. That hardly seems voluntary.

What this amendment does is to say that voluntary service is just that, voluntary. The bill does not, as I said yesterday, provide any money to administer the mandatory service program. It does not provide the housing agencies any money to set up and keep the elaborate records that will be required to verify hours that are worked. It does not provide any money to buy the tools and equipment that might be needed. It provides nothing to pay for the cost of training and supervising workers who may be unwilling or unskilled or maybe both, and it indeed provides nothing to verify whether the effort expended is doing any good. The provision in this bill or the provisions are not only offensive, they are unworkable.

By all means let us encourage people to do constructive work in their community, but it is clear that the only good volunteer is one who is truly a volunteer. Moreover, the very best volunteers are those who are given some training and who are given the support they need to do the job they choose to do. That is what the Jackson amendment is all about. It says encourage community work but do not make it involuntary servitude and do not make the housing agencies do more than they reasonably can.

Under the bill there is no money at all to pay the out-of-pocket cost that community work entails, bus fare, if the work site is away from home, or the orange hats and the vests and flashlights and radios that community patrols need, nor is there any money to do anything else like buy tools or paint or protective gear or insurance for workers who may be doing repairs of some kind or another.

The Jackson amendment recognizes these kinds of reality. It says that community work is good but that good community work cannot be coerced and it cannot be done for free, as the bill assumes.

Mr. Chairman, we should consider the gentleman's views very carefully. There is probably nobody else in America who knows more about voluntary community work than the gentleman from Illinois [Mr. JACKSON] who was born and brought up in the midst of one of America's great community self-help organizations. He knows what it is to be a volunteer, what it takes to organize a volunteer, a truly volunteer effort, and how much is required to create a program that works. He knows the difference between realism and wishful thinking. He knows the difference between a helping hand and a slap in the face.

The bill is a slap in the face. The Jackson amendment speaks to the necessity of giving a sense of dignity and self-worth to people who need to know they count for something.

Mr. Chairman, I support the gentleman from Illinois [Mr. JACKSON].

Mr. LUCAS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I sat here and listened to this very interesting and insightful debate coming from a number of points of view, and one of the questions that comes to my mind as I look at the issues addressed since we are so concerned about the 8-hour work requirement, just exactly who does this requirement, who would this requirement apply to? And if I could, Mr. Chairman, I would like to yield to the gentleman from New York [Mr. LAZIO] to respond to a series of questions if that would be all right.

Now, Mr. Chairman, I say to the gentleman from New York, as I understand it, and clarify this to make sure that it is crystal clear in my mind, that in this language in this proposed section 105 there are exemptions for the elderly.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. LUCAS of Oklahoma. I yield to the gentleman from New York.

Mr. LAZIO of New York. It does.

Mr. LUCAS of Oklahoma. That there would not be a requirement that the elderly have to meet this; they would be exempt?

Mr. LAZIO of New York. If the gentleman would continue to yield, the bill does provide for an exemption for all those who are elderly. They would not form the provisions of the 8-hour work requirement per month.

Mr. LUCAS of Oklahoma. Now we also have a section that exempts the disabled; is that correct?

Mr. LAZIO of New York. If the gentleman would yield again, in fact that is the case that all those who suffer with a disability would be exempt from the provisions of H.R. 2 which would require 8 hours of work of community service as a condition of public housing.

Mr. LUCAS of Oklahoma. And those residents who are working or attending school or receiving vocational training; would they not be exempt also?

Mr. LAZIO of New York. If the gentleman will yield once again, in fact the gentleman is correct that in all those circumstances whether one is employed full-time or part-time, whether one is attending school or involved in vocational education, they would be exempt from the provisions of this bill that require 8 hours of community service.

Mr. LUCAS of Oklahoma. What about the physical imparity?

Mr. LAZIO of New York. If the gentleman would yield once again, all those that are physically impaired or have a disability would be exempted under the terms of this provision.

Mr. LUCAS of Oklahoma. So if the gentleman would give me one more response, if we make all of these exemptions for the elderly, the disabled, the working, those receiving additional education, those who are physically impaired, who is left for this to apply to?

Mr. LAZIO of New York. If the gentleman would yield, the provision would apply to all able-bodied adults who are receiving the benefit of public housing and who have the capacity to give back to the community. Those individuals would be asked to contribute no less than 2 hours of community service a week.

Mr. LUCAS of Oklahoma. Mr. Chairman, I thank the gentleman from New York for his insight.

So essentially as I see it the only people that this would apply to would be the able-bodied nonworking. What a concept, requesting that they return a little bit of what has been done for them. What a concept.

Mr. Chairman, I am just amazed, now that I have had this so precisely and so clearly laid out for me, I cannot imagine why there would be any opposition because, after all, we are all good citizens. Whether we live in public housing or nonpublic housing, we all want to do our part for our community, we all want to work our way through this world, so to speak. Having provided these kinds of exceptions, having given the people who need the exceptions the exceptions, clearly those left are the able-bodied working, folks who I am sure want an opportunity to make a difference in their community and in their housing.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield for a question?

Mr. LUCAS of Oklahoma. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Is the gentleman aware that the bill does not exempt those persons who are providing for an elderly person or providing for children in public housing? Is the gentleman aware of that?

Mr. LUCAS of Oklahoma. I am not aware of that particular point. I would

think that certainly that would qualify within the definition, but not being an expert on the definition, I cannot say that with certainty.

Mr. JACKSON of Illinois. The gentleman should be very well aware that my next amendment to the bill would include that definition which is presently not in section 105, and I would certainly hope that the gentleman would support that.

Mr. LUCAS of Oklahoma. I would gladly look at that next amendment when I am compelled unfortunately and have to vote against this amendment.

I thank the gentleman from Illinois for his input, and I respectfully thank my colleagues for an opportunity to clarify the true nature of this bill.

Ms. DeLAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of my colleague, the gentleman from Illinois [Mr. JACKSON], to prevent public housing residents from being evicted for failing to comply with the congressional majority's mandated volunteerism provisions. The majority calls the, quote, community work hours, requirements that are contained in H.R. 2 for public housing residents volunteerism. But it is volunteerism only in the most Orwellian sense. The real name for this is forced labor, and as my colleagues before me have pointed out, the overtones of these provisions are profound and frankly disturbing.

Residents of public housing are not criminals. Many work to support their families. They volunteer their time to housing projects and to their community. Forcing an individual to volunteer to avoid being thrown into the streets is hardly likely to provide positive results to the community. This is true if this volunteer requirements take a parent away from child care or efforts to find or to keep a job.

The congressional majority has a history of supporting tax breaks for the wealthiest corporations. Many support subsidies for farmers and loan guarantees for businesses. When in the history of this body have we required a farmer or a CEO of a major corporation to volunteer in return for a subsidy or loan guarantee? In the last session of this Congress we could not even get the congressional majority to close a loophole on those companies that made a fortune in this country and then turned around and gave up there citizenship, went to the Bahamas, went someplace else, denied being a citizen of the United States so that in fact they would not have to pay taxes, and we could not get the congressional majority to close that loophole. What do we do about the tobacco CEOs who lied about the addictive quality of tobacco, who have received billions of dollars in subsidies? What are we going to require of them for having killed people in this country because of tobacco, an addiction?

What we are talking about here? A true public housing volunteerism provision could have been written in any number of ways. It could have required housing authorities to establish outreach programs to encourage volunteerism; it could have provided financial resources to nonprofit organizations to increase volunteerism in public housing. There are many ways to engage people in volunteerism, as we just saw in this last weekend. Instead the majority has chosen to force nearly all public housing residents to volunteer their time, no matter what other commitments? These individuals may have.

The bill does not even contain an exemption, and I am delighted to hear that my colleague the gentleman from Illinois [Mr. JACKSON], is going to offer that as his next amendment. There is no exemption for the moment for caregivers, single mothers, individuals who care for the elderly, or even individuals who care for a disabled loved one.

Please accept this amendment on this issue. Let us do the right thing by the people who live in public housing in this country.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I simply want to speak to the work benefit program. This is work for the benefit of living in housing which we, the American taxpayers, are subsidizing.

□ 1430

We are also anxious to educate people in the United States of America. One of the benefits of work is an education in how to work. One of the benefits of this program will be an education for people hopefully in how to work at a particular job where they then will be able to earn their salary so that they can pay for their own rent. We need to educate everyone in America to higher and higher levels. That is why I feel so strongly about supporting education.

However, in this instance where we have people who are able bodied and able to work and are able to find a job, but living in public supported housing, by putting them out, by helping them find a job and putting them out into the community where they can work in some place, they can work for the benefit of themselves as well as the fact that they are doing something for their community.

Consider the fact that in a public housing authority, one can work as a part of a floor watch, or one's block watch. Consider what that means. If someone is a part of the block watch for 2 hours a week, will that not help that person feel good? Most volunteers feel much better; they get more out of the voluntarism that they do than what they put in.

This is not voluntarism. This is work for a public benefit. The benefit would be for the person living in the housing authority. I quite frankly think there are so many opportunities that people can have. One can go to one's church and polish the collection plates, or one can work with Girl Scouts. One can do a lot of other things besides having to do things that are in a very limited scope, that have been presented here.

I believe very strongly that this is good, solid legislation. People on welfare who are working would be exempt, and I think that that was not clearly stated. We must understand that those who are working in any capacity would be exempt from this work requirement. It is only those who are able bodied and who do not work who would be out there and we would ask them to give a simple 8 hours a month.

Mr. CUMMINGS. Mr. Chairman, I move to strike the requisite number of words.

First of all, I want to commend my good friend and colleague from Illinois, [Mr. JACKSON]. I wanted to thank him for his efforts in this regard and for his efforts to uplift the poor people of our country. I also thank the gentleman for realizing and trying to get the word out that the poor too is America.

Mr. Chairman, I rise today in opposition to section 105 of the bill and support the Jackson amendment. I am saddened. It seems that my colleagues on the other side of the aisle have blinders on. I understand that their intent in crafting this bill must have been honorable; however, what this body is doing today is abhorrent to the citizens that are the poorest in our Nation.

I might add, Mr. Chairman, that within 5 blocks of my home there are probably about 2,000 public housing residents. I represented them in my legislative district in the State of Maryland and I represent them now. I would invite the Members who are supporting section 105 to come and visit my district.

There appears to be a presumption that the poor just sit home and do nothing, and that is a major, major problem. Here we are today saying that we will dictate, we will sit here and we will dictate to them what they should be doing. I invite my colleagues to come into my district. I invite Members that supported this bill in committee and who support it today on the floor to visit the Seventh Congressional District, and they will see that these citizens have no other place to go.

My colleagues must understand that public housing is not the greatest place to live. They have no other place to live. This section is telling our poorest citizens that they must volunteer or they are to be evicted. Evicted to go where? Evicted to be set on the street.

I ask my colleagues who support this bill, who will take care of the children when they are volunteering? Or more importantly, will these citizens gain valuable work experience to put on a résumé, to help to find a job and have self-sufficiency? This is not work for benefit, no, this is not work for benefit. It is an edict, an order: Work or live on the street.

This section is placing misguided values on the poorest of the poor. We already have a society of the haves and the have nots and we are underscoring and highlighting this class distinction; a two-tier society. We are blocking the have nots and we are saying that have nots cannot be haves. We are keeping these citizens down and not allowing them to stand upon our shoulders to reach for higher ground and a higher way of life.

In my home State of Maryland, we already require welfare beneficiaries to do certain types of work. Additional regulations will constitute an administrative and bureaucratic nightmare which will place even greater burdens on local housing authorities, instead of allowing them greater flexibility to deal with the pressures they are facing as a result of declining funding. Mandating that poor citizens volunteer is demeaning and it is burdensome on the recipients, and it is also burdensome on our local housing authority.

I urge my colleagues to support the Jackson amendment.

Mr. EHRLICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to make two points. One is a point I would like to reiterate concerning this really constructive debate that we are having on the floor over the last 2 days which pertains to the philosophical, the real philosophical difference between folks on that side of the aisle and folks on this side of the aisle.

When one really gets down to it, it is all about mutuality of obligation. Some people believe those who take a benefit from the Federal taxpayer have no mutual obligation on the back end, and some do. That is basically what we are discussing with respect to this very minimal work requirement.

With respect to my second point, I want to get back to the facts of actually what the bill says and does, and with that, I would ask the gentleman from New York [Mr. LAZIO], chairman of the subcommittee and my good friend, if he would engage in a short colloquy.

Mr. Chairman, I have before me the transcript of the hearing that we had with Secretary Cuomo on March 6, 1997. Does the gentleman recall that hearing?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. EHRLICH. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, in fact I do remember the fact that the Secretary testified before the committee with respect to H.R. 2.

Mr. EHRLICH. Now, with respect to the substance of this debate, I have a question for the chairman, because I think it is very important that people all over the country understand exactly what we are talking about, and the folks that we are expecting this very minimal work requirement from.

Mr. Chairman, it appears from my reading of the transcript that the chairman, in answer to a question by the gentleman from Texas [Mr. SESSIONS], said that we would require community work for residents not already meeting welfare reform requirements, which is also my view of what the bill says.

Is that not correct, Mr. Chairman?

Mr. LAZIO of New York. If the gentleman would yield, just as was the case with Secretary Cisneros when Secretary Cisneros, an articulate man, very often spoke about the need for community service and community work requirements in public housing, to build that type of social capital, so too is the case with the administration's proposal as submitted to the House, and so too is the position of Secretary Cuomo that a community work requirement is appropriate, is good, is a positive step in terms of public housing reform.

Mr. EHRLICH. Mr. Chairman, a positive step with respect to the building of human capital with respect to these folks, correct?

Mr. LAZIO of New York. If the gentleman would yield further, once again, not pretending to speak for them, but rather for myself, it is a fact that we are talking about the potential of hundreds of thousands of hours that can be contributed, a huge potential to begin to meet the significant challenges facing underserved communities, and it is at our disposal if we just tap into that.

Mr. EHRLICH. Mr. Chairman, I would like to read for the record, and I am sure the chairman would appreciate these words, exactly what the Secretary said. The Secretary, and I quote from page 38 of the transcript: ''We would agree with what the bill says, community work for residents who are not already meeting the welfare reform requirements'' which is my reading of the bill and the chairman's reading of the bill; is that not correct?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield once again, it is absolutely my reading of the bill. It was in the bill last year, a bill that was supported by nearly 100 Democratic Members who embraced this bill.

Mr. EHRLICH. Mr. Chairman, I thank the gentleman from New York [Mr. LAZIO], the chairman of the subcommittee.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. EHRLICH. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I appreciate the gentleman yielding.

Let me just say what is occurring here is an effort to say the Democratic Party does not favor the work requirement, the Republican Party does, and therefore, to somehow socially divide the two political parties in these inner city environments.

The facts are, the administration has supported a work requirement and does, and to be very precise, let me read from the bill that was sent up by Secretary Cuomo, under a section called community service requirements for the public housing and section 8 programs.

The Secretary's bill states: ''Notwithstanding any other provision of law, each adult member of each family residing in a public housing or assisted under section 8 shall, without compensation, participate for not less than 8 hours per month in community services activities, not to include any political activity, within the community in which that adult resides.''

In other words, the Republican Party has taken great care to work with the administration in producing an approach that is a common sense reform initiative. At this time on the floor of the House, the congressional Democratic Party is objecting.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am deeply troubled by Congress's persistent attacks on America's poorest families. Let me just say this is one of the most mean-spirited provisions. It is an insult to poor people in this country. Here they come again. Today we are lecturing poor people.

My colleagues want poor people to work for human capital. Let us provide them with the tools that they need to become self-sufficient, not by imposing this provision.

We cannot expect families to work and to make the transition from welfare to work if they have no income or a place to live. How do my colleagues think they are going to acquire the tools that they need to become self-sufficient by cleaning toilets and collecting garbage? Is that the way that we are going to provide them with the skills that they need to become self-sufficient?

Let us be honest and serious about it. What we are doing today is victimizing the victims, and I can tell my colleagues, most of them have never been into a public housing development because if they have been, they know that they do volunteer. They know that they are the ones working and without any resources to do their job.

Let us be serious and stop talking about volunteerism. Yes, I will welcome IBM, I will welcome Johnson & Johnson to come to my district and come to the public housing development and provide some of the money that my Republican colleagues are taking away from poor people.

Mr. COOK. Mr. Chairman, I move to strike the requisite number of words.

I am especially supportive of the work requirement for public housing residents. Few can disagree that current Federal housing policy creates disincentives to work, encourages the breakup of families, and has resulted in an undue concentration of poverty in certain neighborhoods. The Housing Opportunity and Responsibility Act addresses the problems with our Nation's public housing projects with common-sense solutions.

One key component of this approach is the work requirement for the public housing residents. The work requirement is not unreasonable. It applies only to able-bodied public housing residents without dependent children. It demands that a resident of public housing, as a condition of receiving Federal assistance, display a commitment to putting themselves on a path to self-sufficiency and economic independence.

As a member of the Subcommittee on Housing and Community Opportunity, I have heard criticisms of this work requirement from my friends on the other side of the aisle.

□ 1445

They will question why those who receive a tax deduction for the interest paid on their mortgages are not similarly required to work. I see that kind of logic as totally flawed, as evidenced by our decaying public housing projects across America.

The Federal Government has decided that owning one's home is an integral part to a strong and safe America and increases the quality of life in our great country. The Government encourages Americans to own their own home by giving some of the money they pay in taxes back to them. The mortgage interest deduction is very different from a work requirement for recipients of a government program that do not pay taxes or otherwise earn the benefits they are receiving.

The overwhelming majority of my constituents tell me that they are troubled by government handouts. We have seen time and time again that handout programs do not work. Public housing was intended to be a helping hand toward self-sufficiency, not another handout. I urge my colleagues to defeat any attempt to remove the work requirement from this very important piece of legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. JACKSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. JACKSON of Illinois. Mr. Chairman, I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Illinois [Mr. JACKSON] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 9 OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer amendment No. 9.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. JACKSON of Illinois:

Page 27, line 7, strike ''or''.

Page 27, line 10, strike the period and insert ''; or''.

Page 27, after line 10, insert the following:

(E) a single parent, grandparent, or spouse of an otherwise exempt individual, who is the primary caretaker of 1 or more—

(i) children who are 6 years of age or under;

(ii) elderly persons; or

(iii) persons with disabilities.

Page 29, line 3, strike ''or''.

Page 29, line 6, strike the period and insert ''; or''.

Page 29, after line 6, insert the following:

(5) a single parent, grandparent, or spouse of an otherwise exempt individual, who is the primary caretaker of 1 or more—

(A) children who are 6 years of age or under;

(B) elderly persons; or

(C) persons with disabilities.

Mr. JACKSON of Illinois. Mr. Chairman, I am joined by the gentleman from Wisconsin in offering this amendment, which addresses what I view to be a glaring oversight by the majority in the crafting of the community work provision of section 105.

While I am firmly opposed to the community work requirement because, as I have stated, I believe it demeans voluntarism and vilifies the poor, I am pleased that H.R. 2 at a minimum exempts the elderly, the disabled, and those individuals who are working, attending school, or receiving vocational training.

I would like to express my appreciation to the majority for their support of my amendment in committee, which clarified that these exemptions occur automatically and do not saddle another burden of proof on individuals who fall into one of these categories.

These exemptions, however, do not go far enough. Under this bill single parents who are not otherwise exempted will be forced to either leave their young children home alone, or pay costly child care or home care fees for fragile seniors or disabled family members. This amendment will exempt from mandatory community work requirement residents who are single parents with children under the age of 6 and grandparents or spouses who are the primary caregivers of dependent children or senior citizens.

Mr. Chairman, it is no wonder that the American public thinks this body is out of touch with reality. How can we not acknowledge that the care of the elderly, the disabled, or young children is a full-time job worthy of respect and appreciation? Who will care for their dependents while these primary caregivers are forced to do community work?

Just yesterday during general debate, a speaker in defense of the bill pointed to the tragic instance in Chicago where a 5-year-old boy was thrown to his death from Ida B. Welles House housing complex by two other children. If we require that single parents who are responsible for supervising young children are forced to leave their homes to perform mandated work hours or face possible eviction, will we not be creating the potential for more of these tragic incidents to occur?

We know that public housing residents will be hard-pressed to pay for costly child care or nursing assistance, and that the waiting list for affordable care may be a couple of years long. Will we expand upon the unfunded mandate that we already have imposed upon public housing authorities by putting them in a position to have to also provide child care?

I believe in voluntarism, but let us not confuse its meaning or its use. We have an all-volunteer armed services. Our young men and women volunteer to join. They are not subscripted into the military. But once they volunteer to serve, they are paid for their service. In fact, they receive a variety of forms of financial compensation, even after they leave the military, such as veterans and educational benefits, points in securing employment, and if their service is long enough, pensions.

Proponents of mandated community work insist that other Federal benefits are tied to community service. Yesterday, the gentleman from New York referred to particular medical school scholarships in exchange for which graduates agree to work in a low-income community for a certain period of time. The difference is that they likewise are paid for their medical work in the community.

I believe poor people should work. They want to work and will work if there are enough jobs paying adequate wages. Poor people do not have to be whipped to work. About 4 years ago, Mr. Chairman, in Chicago, the new Sheraton Hotel advertised the availability of 1,000 jobs. In the middle of a Chicago snowstorm, 10,000 people showed up.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would ask the gentleman, did he have an inquiry of me?

Mr. JACKSON of Illinois. It is my understanding we may have the opportunity to work something out with respect to my amendment.

Mr. LAZIO of New York. Mr. Chairman, what we are trying to do is to submit a proposal that would ensure that a certain percentage of people that might fall into some of these categories could be exempted by the housing authority without it being an across-the-board exemption for all in that category. I do not know if that is something the gentleman is interested in, but if he is, we will continue to pursue that.

Mr. JACKSON of Illinois. Mr. Chairman, I do not understand what the gentleman means by a particular percentage. Either they are a caregiver or someone providing for a 6-year-old-or-under child, or not. The gentleman needs to clarify.

Mr. LAZIO of New York. If the gentleman will continue to yield, Mr. Chairman, what we are trying to do is work on a counterproposal that might

meet the concerns of the gentleman and also meet my concerns and that of the Members on my side of the aisle.

Mr. JACKSON of Illinois. Mr. Chairman, continuing, the assumption underlying the goal of self-sufficiency is full employment, but there are currently not enough jobs for a living wage for everyone. If we create the jobs, I believe the people will come.

One of the unintended consequences of section 105 about which I am particularly concerned is that it will effectively displace thousands of low-wage workers who are currently employed by housing authorities. If we mandate millions of hours of uncompensated free labor by housing residents, PHA's, nursing homes, and other facilities can replace paid employees with public housing residents who are performing their 8-hour shifts; that is, 1 full day of uncompensated labor per month to perform maintenance grounds work and other low-wage jobs.

Mr. LAZIO of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I know we are still trying to submit some language to the gentleman from Illinois that he might find acceptable, but on the chance that that is not the case, let me explain to the Members why I have reservations about this portion of the bill.

Even with respect to welfare reform, which requires not 2 hours a week but 20 hours of workfare, there is far more flexibility and no across-the-board exemptions that mirror the type of broad exemption that the gentleman from Illinois is offering in this bill.

Mr. Chairman, I ask again, for those people who are not in public housing, who are just as poor and who labor under just as difficult circumstances, do they find a way, even though they may be caregivers to people, whether they are children or older Americans, do they find a way to discharge those responsibilities and yet also go out there and earn enough money to put a roof over their head and pay for the utilities? The answer, Mr. Chairman, is absolutely yes.

The concern, of course, that I have is for working people who are already outside of the umbrella of public housing, who do not receive the benefit of public housing, who would do a great deal of work in order to put a roof over their head and over that of their family's.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Are we now saying that we do not trust the primary caregivers of senior citizens, or a woman who may be heading a household where there are children under 6 years old?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, what we are saying is that all people who receive the benefit of public housing who are able-bodied and who are not exempted because of age, who are not exempted because of disability, who are not exempted because of education, vocational training, or work will be expected to contribute 2 hours to their own backyard.

Again, that may include helping to sweep the hallway right in front of their apartment, it may include doing something in their apartment, it may include removing graffiti, or ensuring that somebody gets day care in that building. It may include working downtown or it may include, for some people, doing a Neighborhood Watch Program. There is extraordinary flexibility in this program to meet the concerns of people who actually do have some other obligations.

But the idea that only people in public housing have extra obligations diverts from reality. In fact, people who do not live in public housing, who have enormous obligations, who have families, who have needs, who may have parents who need to receive care, who do not receive the benefit of public housing, who do not receive the benefit of having their utilities paid for, are also asked to do something. They are asked to go to work to contribute to their rent. If they do not do that, yes, they are thrown out. That is what happens to people outside of public housing.

To afford special protections to the fortunate few who are accepted in terms of their application for public housing I think undermines some of the basic premises of this bill, which is a sense of mutual obligation and responsibility.

Mr. JACKSON of Illinois. If the gentleman will continue to yield, Mr. Chairman, this is really a commonsense amendment. The purpose of this amendment, it is really the family values amendment. It says that if we have a single mother at home who has children under the age of 6, or we have a person at home who is responsible for taking care of someone who is physically disabled, that we provide an exemption for it.

Mr. LAZIO of New York. Reclaiming my time, I understand what the amendment is trying to do, but what I am saying is there is no reason why somebody who is a caregiver cannot help out in their own hallway, in their own apartment, if they are not given enough work requirements so they can meet both concerns.

I might add that that flexibility is more than most people on the outside are able to get. Most people who are not beneficiaries of public housing who have to go out there to work are not lucky enough to have the type of flexible work requirement that will allow them to work in their apartment or work in their hall or in their building. They must go and travel to another area, very often. They must leave, they must make accommodations, they must ask family to watch their children or their parents. They find ways to do that.

Yet, we are not willing to ask the same of people in public housing, to give not 20 hours a week, as is called for under the requirements of workfare, but 2 hours a week, 2 hours over 7 days. That is what we are asking, in return for a subsidized apartment unit, and often utilities being paid. That is what is common sense.

That is the very essence of the proposal that has been embraced by both this administration and the past administration, by both Secretary Cisneros and Secretary Cuomo. That is the very provision that was in this bill last year, supported by nearly 100 Members who believe in a commonsense approach to solving some of the Nation's problems.

The idea here is to tap into the huge resource, the huge potential human resource that we have out there, people who can bring talent, people who can do things in their own back yard.

Mr. JACKSON of Illinois. If the gentleman will continue to yield, Mr. Chairman, I just want to make it clear that we are talking about a single parent, a grandparent, or a spouse.

The CHAIRMAN. The time of the gentleman from New York [Mr. LAZIO] has expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. LAZIO of New York was allowed to proceed for 30 additional seconds.)

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, I understand what the gentleman's amendment does. I am telling the gentleman that I cannot accept that amendment, because I believe that people on the outside are asked to actually do more; that there is flexibility in this bill for people who are caregivers to work close to home.

I think there are some in this Chamber who want to gut this entire provision using different means of gutting it. I want to protect this provision. I think this is an important part of the bill. I think people should be asked to contribute to their own community.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support, and am pleased to offer this amendment with my friend, the gentleman from Illinois [Mr. JACKSON].

Mr. Chairman, I come to this issue from a little different perspective. My wife and I have a son who is 4 years old, we have a daughter who is 2 years old, and we have another daughter who is 12 weeks old. I am very well paid. But if you were to tell me or if you were to tell my wife that she has to give 8 hours of community service, to volunteer, my reaction would be, I will tell you what good community service is for a caregiver, either a mother or a father who is alone with a child. The best community service that that person can give is to take care of their child, whether the child is 12 weeks old, 2 years old, or 4 years old. I want that parent to be there to help that child.

I understand why the gentleman from New York is saying, well, if you are an able-bodied person and you do not have kids around the house, or if you are able, we do not want you to lie around on the couch.

We may agree or disagree on the merits of that. But I think all of us recognize that at certain times in a person's life you simply do not have the time to go out and help in community service. I would imagine any mother who is in this Chamber today, if they were told when their baby was 4 months old, we now want you to go give 8 hours a month for community service, would say no, I think I should be with my baby.

□ 1500

They may decide that they have a care giver who shares the responsibilities with them that would allow them to do so. If they could do that, they would do so, they could volunteer. That is the nature and the essence of volunteerism, that a person gives willingly. But to tell a mother of a 3-month-old or a 6-month-old or a 3-year-old, all right, you are a single mother, now you have to leave your child and go out and perform some community service that has been delegated by the Federal Government, to me is exactly the wrong way we should be going. We should be encouraging these people to do the best they can to support their children and to help their children along.

So for me this amendment is a very common sense amendment. It is recognizing that there are times in a person's life where the most important community service they can give is to take care of their children, and to suggest otherwise I think is demeaning to young mothers and young fathers. For some reason we are saying, OK, you have to give 8 hours community service. If community service is so great for these poor people, then let us apply it to everybody.

The gentleman from New York says there are poor people who are now living in public housing that do things beyond what is called on them. That is fine, I applaud them for doing it. I am happy that they are involved in the community. But we do not require them to give 8 hours community service. We do not require millionaires to give 8 hours community service. We do not require anybody to give 8 hours community service except for these people.

At a time when in many States in this country there are work requirements under welfare that are requiring these people to work maybe 20 hours a week in order to get welfare benefits, now we are saying we are going to tack on an additional requirement above and beyond; that I think is moving in the wrong direction.

I think this is a common sense amendment. I think it does go in the right direction. It recognizes that there are people who do think it is important to require people to work, but it also recognizes that if you are a young person, if you are elderly, if you are disabled, that it is really not fair to ask you to perform the service.

I would ask the Members to please support this amendment. Again, I think it is a very common sense amendment. It does not hurt anybody. It is not carrying out an exception that you can drive a truck through. It is just a commonsense exception.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to address the gentleman's amendment briefly if I may. I am prepared to offer a secondary amendment, a perfecting amendment to his amendment, but I just want to make a few general comments before we get into this. I am coming from this as a person who has lived in government housing.

When I was in college, I got a free dorm room and I got that free dorm room in exchange for working 6 hours a week in the dorm. And I had to do that over and above and on top of my requirements as a college student. I was a biochemistry major, it was a very demanding curriculum. I had to take a lot of courses in chemistry, physics. I also had to work my way through college, so on weekends I had to work. As a matter of fact, I worked the 11 p.m. to 7 a.m. shift on Friday days and Saturday nights at a local hospital. In exchange for that, I got a little room about as big as a walk-in closet.

I think what we are trying to do here with this amendment is ask people to work substantially fewer hours than I had to work. I had to work about 24 hours a month. We are asking people to work 8 hours a month. As a matter of fact, I am going to have an amendment I will introduce later because I think 8 hours is too little. I am going to try to increase that with an amendment to 12 hours.

I think the issue that we are bringing up right now, single moms, kids at home, I think that there is some legitimacy to that. I personally think in these housing authorities that people will be able to work together to say that somebody cannot find 2 hours a week to me is a little hard to swallow.

I am prepared to offer a secondary amendment to the gentleman's amendment, and I have that at the desk right now, that would give the housing authority the authority to exempt up to 20 percent on the grounds that are being brought up. I think that is a very reasonable compromise here to the gentleman's proposal. I think there is some legitimacy to what we are talking about in that there will be, there is some legitimacy to what the gentleman is talking about. I think to have the housing authority given the ability to exempt a certain percentage of people on the grounds that the gentleman is talking about, that they are very burdened with the requirements of their kids, might I just add that I think this requirement ultimately will be good for many of those moms to get out and to actually do some work, contributing to their local community.

I think we need to have some flexibility with the housing authority, and I think the gentleman's proposal should be allowed for a certain percentage. I would ask that the gentleman would consider my amendment. I think if the chairman will accept this and the gentleman will accept it, then we can move on to the other amendments.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, what is magic about exempting 20 percent? Suppose it happens to be 30 or 40 percent in a particular housing project? Is there something magic or special about 20 percent?

Mr. WELDON of Florida. Well, actually it could be 10 percent, it could be 5 percent.

Mr. WATT of North Carolina. What would be magic about that?

Mr. WELDON of Florida. Mr. Chairman, this is something we can revisit in the future. We can get some testimony. I am on the committee with the gentleman.

Mr. WATT of North Carolina. Mr. Chairman, my point is that it will vary from housing community to housing community. It is not going to be 20 percent all across the Nation.

Mr. WELDON of Florida. I think what we are proposing here is a very reasonable solution to the issue at hand. I think we can get testimony in the future on this issue, and if there needs to be more flexibility given to the housing authority, I think we will be able to do that.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA TO THE AMENDMENT OFFERED BY MR. JACKSON OF ILLINOIS

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WELDON of Florida to the amendment offered by Mr. JACKSON of Illinois:

In the amendment, before ''a single parent'', each place it appears insert ''for not more than 20 percent of the total number of families assisted by a public housing agency,''.

Mr. WELDON of Florida. Mr. Chairman, I will not consume the entire 5 minutes because I basically, I think, have made my case. I think there will be some situations in the housing authority where it may be appropriate for the housing authority to exempt some residents. My own personal opinion is the vast majority of the people in the housing authority will be able to meet this work requirement because it is ridiculously low. I started out saying, I used to have to work 24 hours a month to get a room the size of a walk-in closet.

We have got people who are getting apartments with several bedrooms, a

kitchen. They are getting free electricity, free heat, and the gentleman is saying they cannot work 2 hours a week. Come on. Give me a break. That is one Oprah Winfrey show, that they cannot find somebody to mind their kids for 2 hours within the authority.

Now, there may be some situations where that would arise. I believe my exemption here would give the authority some flexibility to do that.

I just want to comment on one thing. In Florida, we had welfare reform in Florida and in one of the counties in Florida there is a work requirement in the whole State. After 2 years they have to go to work. In one of the counties, they decided to set up a citizens panel to see if they were doing something wrong. They had these citizens review these cases of people being put off of welfare. On every single case they reviewed about 36 cases. They have put every single one of them off because the people were making absolutely no attempt to find a job.

I think what we are doing here with my secondary amendment is we are giving the housing authority some flexibility. If there is a mom in the building who really legitimately cannot break away for 2 hours a week or 8 hours a month, you are talking about one 8-hour shift a month. I think this is a very, very fair and reasonable solution.

I will say it again, I think 8 hours is too low. I have got an amendment I will offer, I think it should be 12 hours or more. I had to work 24 hours a month to get a room the size of a walk-in closet.

Do my colleagues want to know something? In the dormitory I lived in, that was very competitive. All the students in the dorm wanted that. There was very, very vigorous competition for the privilege of getting a room the size of a broom closet in exchange for working 24 hours a month. So I think this perfecting amendment is a reasonable compromise to the concerns of the gentleman from Illinois [Mr. JACKSON].

If his concerns are that he does think that there are some people in the housing authority who will not be able to meet the work requirement, my amendment achieves that desired goal. I personally do not think that is the intent. The intent is to gut this. They do not want any work requirement.

Mr. BARRETT of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

Mr. BARRETT of Wisconsin. Mr. Chairman, I went to college, worked my way through college as well. I was not a single parent at the time. Was the gentleman from Florida a single parent at the time he was asked to do this work requirement?

Mr. WELDON of Florida. No. I was a college student.

Mr. BARRETT of Wisconsin. OK. I thank the gentleman.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, what does the gentleman from Florida [Mr. WELDON] propose should happen to the other 80 percent under his amendment who do not meet the gentleman's threshold?

Mr. WELDON of Florida. I believe that they will be able to make accommodations and they will be able to meet the work requirement, and I think it will serve the community extremely well. I think there will be enhanced community spirit. I think it will deal with a lot of the problems with vandalism in the housing projects. I think it will help deal with crime in the housing projects.

Mr. JACKSON of Illinois. The gentleman from Florida's specific amendment states before ''single parent,'' the gentleman wants to insert ''for not more than 20 percent of the total number of families assisted by a housing agency.''

My specific question is, what becomes of the 80 percent in any given public housing agency who meet the threshold, who meet the criteria that we speak of in the amendment but do not meet the gentleman's threshold, which is precisely what the gentleman's amendment proposes to do?

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, I think it is absurd to argue that 100 percent are not going to be able to eke out 2 hours a week or 8 hours a month.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I am happy to yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, why should not 100 percent of people who are primary care givers for children under the age of 6 or elderly persons or persons with disability meet that criteria?

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, there are some people who will have a legitimate case that they cannot get away. There are some that do not.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the gentleman's amendment for reasons I have already stated but I want to reiterate. This last-minute amendment strikes and allows before ''single parents'' that a public housing authority can only exempt 20 percent of the total number of families assisted by that public housing agency for a particular amendment that my amendment offers.

We simply provide an exemption for a single parent, a grandparent or a spouse of an otherwise already exempt individual who is the primary caretaker of one or more of the following: children who are 6 years of age or under, elderly persons who obviously cannot care for themselves, and persons with disabilities.

This is a common-sense, family-values amendment; and why the gentleman from Florida [Mr. WELDON] is opposed to this particular amendment as it is stated and written is just unfortunate, Mr. Chairman. I think it speaks to the mean-spiritedness that is certainly surrounding some elements of this bill.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise in opposition to this amendment. I think that the gentleman from Illinois [Mr. JACKSON] has a very reasonable approach to this.

The chairman of the committee has indicated that there are a number of exemptions. The only issue here is whether or not a mother with children or a primary care giver ought to be considered to have been doing a public service or volunteer work.

I do not know anybody in this country who has had children who does not think that taking care of those children is the most important volunteer work we can do in the United States of America. It is the future of our country. It takes an enormous amount of energy. It is the kind of values that I think we ought to be sustaining and encouraging in this country.

I am shocked to hear that the Republicans oppose this, and the Republican agenda is now that we no longer consider taking care of children to be volunteer work. What could be more important than taking care of our Nation's children?

If we are going to be considering this in terms of public housing, why should we not be considering that to be qualified? Is it not as well qualified as raking leaves? Is it not as well qualified as going down and cleaning up a playground? I know that the gentleman from Florida [Mr. WELDON], the doctor, feels that people in public housing hang around and watch Oprah Winfrey, as he suggested in his last comments.

□ 1515

But I do not think that is a fair characterization of what goes on in public housing. And all we are trying to suggest is that if someone is the primary caregiver to a family with underage children, then maybe this should be considered a worthy voluntary effort on their part to take up those children.

We pay caregivers across this country. We pay and encourage child care. There was an effort to include child care in the past welfare bill.

I am really kind of taken aback by the fact that this amendment was not accepted by the chairman of the committee. I asked the chairman of the committee if he would accept this provision. It seemed to me to be a very fair and reasonable provision that the gentleman from Illinois had come up with, and in the spirit of working together in a bipartisan way to come up with a reasonable approach to how to deal with these issues that divide us, I thought this was a very reasonable way to move forward.

I guess I am just dumbfounded by the fact the chairman would not have accepted what I think is a very reasonable position. And I would predict that

if this bill ever moves to conference and actually gets to a point where we are talking about enacting this and its coming back into law, I would be very shocked to find that this provision was not taken up.

I do not know what the move is here. It seems to me it is fairly straightforward; that anybody that is taking care of children under the age of six ought to be recognized for the contributions they are making not only to that family but to the future of this country.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding, and I would point out to the gentleman that part of the work requirement would include child care; if there is a day care center in the project, that working in that child care center would qualify as a work requirement.

Mr. KENNEDY of Massachusetts. Reclaiming my time, Mr. Chairman, I would point out to the gentleman that maybe he has access to a lot of child care, but most public housing agencies do not have access, and most public housing projects do not have access to child care.

So while that may appear to be an easy solution for the gentleman, it is not, in fact, an easy solution for a lot of the public housing residents we are talking about.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield again?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, I would say to the gentleman that they would be able with this work requirement to create a child care facility within the housing project.

Mr. KENNEDY of Massachusetts. Taking back my time, Mr. Chairman, the gentleman obviously does not understand some of the costs that are associated with taking up child care.

If the gentleman was here and paid attention to the child care debate, there are all sorts of rules and regulations pertaining to child care and the like. That is not really what the issue is.

The truth of the matter is I think we should be encouraging mothers and families to take care of their children in their own homes and valuing that as a society. They do not have to be dropping them off in a child care center in order to get credit for it. They ought to be getting just as much credit in the family home as they do taking them to a child care center.

I thought that was, as a matter of fact, one of the core values we were trying to encourage in this country, not to go take children off to somebody else's home but to bring them up ourselves. And why is that not an effort? Why is that not a reasonable effort and one that should qualify under the gentleman's notions of volunteerism?

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, the intent here is that it is possible within the constraints the gentleman is describing——

The CHAIRMAN pro tempore. (Mr. LAHOOD). The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

I made no bones about it, I thought it was cavalier, paternalistic, and demeaning to even have a provision that mandates volunteerism, which, in itself, to me, are two internally inconsistent concepts: mandates and volunteerism. Those two things do not even go together.

We are demeaning this institution now, and we have gone from the sublime to the ridiculous. The gentleman comes forward with a completely reasonable amendment that says let us exempt people from this volunteer requirement if they are taking care of a disabled relative or if they are taking care of a child at home, both provisions that are not made in the underlying bill. It is a very, very reasonable amendment that the gentleman from Illinois has raised.

My colleague from Florida comes and says, oh no, we cannot accept that, but we will give the gentleman a 20 percent requirement. This takes us back to yesterday when in the general debate the notion was that anybody who disagreed with anything in this bill was bad.

We have got a perfect bill here, according to my colleagues, and anybody who disagrees with anything in it, regardless of how ridiculous it is, we are going to stand up and defend it at all costs. We will be here all afternoon defending this ridiculous provision in the bill.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I would say to the gentleman, as he knows, in the Committee on Banking and Financial Services on which he sits, 65 amendments from the minority side were considered and 29 were passed. So this bill has the strong fingerprints of the minority.

Mr. WATT of North Carolina. Reclaiming my time, Mr. Chairman, let me say to the chairman that we have never, ever passed a perfect bill out of this House. Never. I do not care who wrote it, who amended it, regardless of the circumstance, we have never passed a perfect bill out of this House.

And the notion that somehow somebody who comes forward, just because they happen to be on the Democratic side, with a good idea and amends this bill is somehow protecting the status quo or is disingenuous or not being reasonable, is just ridiculous to me. We have never had a perfect bill out of this institution. We never will. And this one is not perfect.

Now, if I accept the chairman's argument, we got to a perfect bill in the Committee on Banking and Financial Services and, therefore, we ought not do anything else on the floor to improve that bill. This is an improvement to the bill. It is something that the Republicans told us in committee that they thought would be covered anyway.

If a person went out to work at a rest home or a nursing home where there are disabled people, then they would qualify as a volunteer. Why can they not do it in the confines of their own house and have it. If they go out and work at a child care center and volunteer, it qualifies. Why could it not qualify if they are volunteering in the confines of their own home?

This is ridiculous, to stand up and try to defend against this reasonable amendment. And now my chairman comes back and says, oh, well, reasonable housing authorities at the local level will let people go outside their door and sweep and they can satisfy their volunteer requirement that way. That is ridiculous.

And when the local housing authorities, who they will not give any discretion under the provisions of this bill, when they go and say, OK, we will let them sweep right outside their door.

The CHAIRMAN pro tempore. The time of the gentleman from North Carolina [Mr. Watt] has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 1 additional minute.)

Mr. WATT of North Carolina. Then they will come back and cite the local housing authorities for not complying with the law, because they will say, oh no, we wrote a perfect bill, and how dare they tell the Federal Government that they will not comply with the spirit and the letter of the law.

My colleagues, we have reached a point of ridiculousness here. It is ridiculous partisanship. If this amendment were offered by a Republican on the floor of this House, it would have passed just like that. And the only thing we are defending against is pride here. Partisan pride. That is all we are defending against and we ought to be ashamed of ourselves.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Iowa.

Mr. LEACH. First, I hope the gentleman recognizes that this side has a lot of respect for the perspective being put forth.

The CHAIRMAN pro tempore. The time of the gentleman from North Carolina [Mr. WATT] has again expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 30 additional seconds.)

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Iowa.

Mr. LEACH. This side has never made a statement this is a perfect bill. We are dealing with each issue on its merits. But I would stress to the gentleman, in terms of partisanship, the provision that we are defending came to us, largely speaking, from the administration and we supported it.

Mr. WATT of North Carolina. Reclaiming my time, Mr. Chairman, the administration, I believe, would support the gentleman's amendment to this bill.

Has anybody called the administration? I guess we are going to call the President every time we pass some legislation in this body. We have never done that before and I do not want to start now.

The CHAIRMAN pro tempore. The time of the gentleman from North Carolina [Mr. WATT] has again expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 30 additional seconds.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just want to point out to the chairman of the full committee that he has cited on a number of occasions the fact this is a Democratic provision. The truth of the matter is, if we go back through the legislative history of this provision, it came from a Senator on the Republican side of the other body who inserted it in a bill 2 years ago that nobody thought was going anywhere.

It is not a proper representation to suggest that this is a provision that came from the Democratic side or from the President of the United States. It is just not proper.

Mr. WATT of North Carolina. Mr. Chairman, reclaiming my time, I will say it should not matter who offered the amendment. It is a good amendment. We should support it. The gentleman from Iowa should consent to it.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

I think it only fair that we lay on the record what is the circumstance in the fairest possible way. The gentleman from Massachusetts may well be right that originally a legislator may have come up with this idea. But the gentleman from Massachusetts, I think, will acknowledge that the bill that was transferred from the Department of Housing and Urban Development under Secretary Cuomo, that was introduced by the gentleman from New York, [Mr. LAZIO], and by the gentleman from Massachusetts, [Mr. KENNEDY], contained a community service component of 8 hours of work per month.

And I would ask the gentleman, is it not true that, basically speaking, in the nomenclature and the vocabulary of the House of Representatives, when an executive branch agency or department presents a bill to the U.S. Congress, it is normally considered to be the administration position?

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. For purposes of clarification, it is my understanding that the bill that the President, that HUD submitted, does not contain this as a binding agreement. It does not evict someone, and it is not a term of the lease, No. 1. No. 2, it does in fact contain the provisions that the gentleman from Illinois [Mr. JACKSON], is offering.

Mr. LEACH. Reclaiming my time, Mr. Chairman, I will respond directly to the gentleman.

The majority would like to acknowledge that there are certain tightening up circumstances that have occurred in this bill under the committee markup process. But I would like to read to the gentleman precisely the bill submitted by Secretary Cuomo, under section 111, community service requirements for the public housing in section 8 programs. And it reads, and I quote directly, this is the position of the Department of Housing and Urban Development, which is a part of the Clinton administration:

''Notwithstanding any other provision of law, each adult member of each family residing in public housing or assisted under section 8, shall, without compensation, participate for not less than 8 hours per month in community service activities not to include any political activity within the community in which that adult resides.''

□ 1530

The reason I stress this, I think it is absolutely fair for any individual Member on either side of this body to disagree with the administration. I think it is absolutely fair to disagree with any provision in this bill. I happen to believe that virtually all American Presidents are more than half right more than half the time, and so I have been criticized for being inconsistent in sometimes supporting a President and sometimes not. That is a matter of individual judgment at a time, and I think the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from North Carolina [Mr. WATT] are thoroughly within their rights to disagree, even though they are disagreeing with a provision of a bill that they themselves introduced by request, and when you introduce by request, it does not mean that you agree with all subtle points.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I appreciate the gentleman yielding.

My question to the gentleman is, what difference does it make? If the gentleman thinks this is a good idea, and I think everybody does, what difference does it make whether the President sent a bill over that said something different? What difference does it make if you passed a bill out of the committee? If you think it is a good idea, support it.

Mr. LEACH. Let me recapture my time. The gentleman makes a very good point, with this exception. It has been your side of the aisle that is trying to define a partisan differentiation, not simply an issue of judgment. Repeatedly on your side of the aisle, there has been an effort directed at given constituencies in America to try to say the miserable Republicans, or implying the Republicans are attempting to do this to you. All I am suggesting is that this is a judgment that I think the majority of Republicans probably support, a number on your side of the aisle will probably support, and the Executive Branch supports in broad precept. I make this point because it is very important in terms of public policy, if Congress passes a law of this nature, that people in public housing should not then come to think that this is a Republican ax held over their head. It is the judgment of the Congress, a bipartisan kind of judgment of which there are individuals that will differ. But I refuse to hear the suggestion and implication that you as individual Members stand for the complete Democratic Party. You may stand for the majority of the Congressional Democrats, but on this particular issue in broad measure, the Executive Branch differentiates itself from you and is closer to our side.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentleman from Iowa [Mr. LEACH] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. LEACH was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first I want to go back to the gentleman citing this initial law. I go back to the issue that there was an intention and there is an intention on the Democratic side to encourage individuals to participate in volunteering who receive public housing. There is also a recognition that this should not be a term of the lease. In other words, yes, they shall in fact participate in volunteerism and the like. We do not as Democrats always agree on every provision. The gentleman is correct in pointing out that there is perhaps a broad agreement in this country that what we ought to do is fix up public housing by virtue of abandoning our commitment to the very poor. It is within the rights of those of us within the Democratic Party, and I would hope maybe a few in the Republican Party, that think that it is wrong as policy of this country for us to turn around and abandon the poorest people

in this country so that we can say that public housing works simply because we no longer provide them a benefit. I think that that is a moral question, and I think that these are issues that get to the heart of what this country is all about, and I think that these are issues that need to be openly and honestly debated. I think when one particular party happens to agree with that set of policies and there is great division in the other party, that it is perfectly reasonable for us to characterize what is coming out by your own admission as a policy that is generated largely by virtue of what your party has come to stand for. It seems to me that it is eminently reasonable for us to characterize the way your party has acted towards the poorest and most vulnerable as insensitive to their needs. I appreciate the gentleman yielding.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa [Mr. LEACH] has again expired.

(By unanimous consent, Mr. LEACH was allowed to proceed for 2 additional minutes.)

Mr. LEACH. Mr. Chairman, in responding, let me just put this in a little broader background: 2½ years ago, there was a major effort and consideration by this administration to eliminate HUD. That effort received widespread consideration in this body. Our committee, of which the gentleman from North Carolina [Mr. WATT] and the gentleman from Massachusetts [Mr. FRANK] are members, made a collective kind of decision to try to not eliminate public housing but to reform it. The dollars that we have put on the table are precisely the dollars requested by the President of the United States, Mr. Clinton. The reforms are in large measure consistent with the proposals of the Department of Housing and Urban Development. I acknowledge on this issue, and also with regard to this amendment, there are some differentiations. This amendment, for example, addresses a point where the committee may have gone further than the bill that HUD supplied, but we think we are largely consistent. But having said that, the big picture is that we have made a decision to try to reform rather than to allow continued stultification and decay. We believe we are in tune with the American people on the view that when one receives a benefit, to the maximum extent possible, there ought to be something provided back in a public kind of way. That is what we have on the table and what you have every right to individually differentiate yourself with. But in large measure, the approach the Committee on Banking and Financial Services has brought forth is one in which we have worked very closely with HUD. HUD has worked very closely with us, and by HUD, I do not mean it in broad terms, I mean the administration and the Presidency.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa [Mr. LEACH] has again expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. LEACH was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would point out to the gentleman that I have been asked by HUD to submit an alternative bill because of the significant differences that exist between HUD and the Republican version of this bill, No. 1.

No. 2, I do believe, as I have said earlier, that there are significant differences between the way we are approaching taking care of the very poor in this country, the kinds of requirements that we are putting only on the poor in this bill with regard to how we are handling the fact that we expect them to volunteer. I am sure the gentleman from Iowa, who has had a very balanced approach to his legislative career, would understand that there are a lot of people in this country that gain great benefits, financial benefits, much more substantial than the families that go into public housing, that are never asked to volunteer at all. I would just like to understand from the gentleman from Iowa why he believes that it is fair to ask people in public housing to submit to this kind of voluntarism but it is not fair to ask people that get other kinds of tax benefits, people that get oil and gas benefits, people that get benefits from the Eximbank, or the Housing Administration.

Mr. LEACH. I think the gentleman makes a fair inquiry. Whether it is exactly apples and oranges, I will put aside. But I would say the effort of the majority side at this time is to enhance and increase the incentive for work and to enhance social obligation. The gentleman's uncle was a great believer in community service, in public service. That is what this bill is designed to enhance at the local level. I do not mean to say I presume that I speak more for the gentleman's uncle than he can.

Mr. KENNEDY of Massachusetts. I appreciate that, Mr. Chairman. I am not going to react to that one. I appreciate the fact that the gentleman has cited, I assume, President Kennedy for his efforts on trying to give people the notion that we all have a responsibility to give back to this country.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa [Mr. LEACH] has again expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. LEACH was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. But I do not believe that President Kennedy or anybody else ever suggested for one moment that that was to be the exclusive provision of the poor, but rather that that ought to be a uniform sense across this country.

The trouble, Mr. Chairman, is that within this bill what we see is an almost mean spiritedness that qualifies only the poor for the programs. If they gain a benefit from the United States, they are forced to give back, or they are thrown out of their homes. This is patently unfair and is an indication that poverty is equated with immorality.

Mr. LEACH. Mr. Chairman, if I could reclaim my time, I say to the gentleman from Massachusetts [Mr. KENNEDY], nobody on this side of the aisle said poverty is equated with immorality. That is language that comes from your side and it is a debate technique attempting to put an idea on our side.

The second point, I just think it very important to say, the words mean spirited has been introduced. No one to my knowledge has approached this from a mean-spirited direction. To the degree that any appellation applies, it has to also apply to the administration who submitted this precept. And so if there is either a positive or a pejorative, it has to be considered collective, I am sure shared by some on the gentleman's side of the aisle as it is shared by the administration.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just point out to the gentleman that another gentleman on your side of the aisle suggested that what the poor in public housing do is sit around and watch Oprah Winfrey. I believe, Mr. Chairman, that that has racist characteristics that ought to be dealt with by the gentleman's side. That is a mean-spirited comment.

Mr. LEACH. I did not hear those words. I will look for them in the RECORD.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Illinois.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa [Mr. LEACH] has again expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. LEACH was allowed to proceed for 1 additional minute.)

Mr. JACKSON of Illinois. I thank the gentleman for yielding.

Mr. Chairman, I just want to make one clear observation. My amendment says that a mother with a newborn can be exempted from this particular requirement for caring for her newborn. His amendment specifically says that only 20 percent of those residing in a public housing authority can be exempted for having a newborn. That is the difference between my amendment and his amendment. I say 100 percent of women with newborns under the age of 6 or caring for their children, caring for senior citizens, caring for those that are physically disabled should be exempted. His amendment calls for only 20 percent and no provision whatsoever for how that 20 percent should be determined in a given public housing authority. That, sir, from my position and my perspective, and I say this respectfully, is quite mean spirited.

Mr. LEACH. I think the gentleman makes decent points and they ought to be respected.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Let me begin in a spirit of conciliation. The chairman has several times cited the position of the President. I would ask unanimous consent that we substitute the language submitted in this regard by the administration for the language in the bill.

Mr. WELDON of Florida. Mr. Chairman, I object.

Mr. FRANK of Massachusetts. The gentleman objects. The gentleman has a right to object, but what he cannot do is object to the insertion of the President's language and continue to cite it. I know lawyers sometimes get criticized but they have a very useful term called estoppel. If in fact the gentleman objects as he has just done to using the President's language on this as the legislation, he is estopped from using the President as the justification. So I trust the Republican side having objected to my effort to amend it with the President's language, we will not hear the President again invoked. The President I suppose in this bill as far as you are concerned will be here in spirit even though he cannot be here in language, but I do not think that is an appropriate parliamentary thing. Let us now get that stalking horse out of here.

We are prepared to accept the President's language. Your side apparently is not. If you want to, and it is only one objective, maybe we can work this out. Second, let us now talk about the substance. The fact is, and here is why I subscribe to the language of my friends from North Carolina, Illinois, and Massachusetts, why I believe this does bespeak a meanness toward people in low income. Let me give an analogy. We had a very similar debate about this during the welfare bill. Some of us felt that the language as it applied to legal immigrants, with regard to the exclusion of legal immigrants from a whole variety of programs was mean. We were told, oh, no, that is just soft. The American people want it. The gentleman from Iowa said we are in tune with the American people. You may have been in tune with the American people last year and what have you got, a situation which almost everybody admits is intolerable. We did exactly that last year. We listened to the people who said let us get tough and let us not fool around and we now have 80-year-olds desperate, 80-year-olds committing suicide in some cases. You are going to have to try to fix it. Do not make the mistake again.

Impose on every housing authority, everywhere in America, this obligation. By the way, let us note that using this kind of labor in some cases will cost you more than it will bring in in dollars. We are not talking about something that has any cash value. It is going to be expensive for some housing authorities to administer this.

□ 1545

What did CBO say it is going to cost? About $30 million, $35 million. For the larger housing authorities, they can probably absorb it. For the smaller ones, it does not. My colleagues underfund the housing authorities and simultaneously impose this requirement on them, and they impose it only on the very poor, only on the unemployed poor.

We can say, ''Well, we'll think about it,'' but nobody has done this for recipients of direct subsidy from the Export-Import Bank, nobody has done this for the people who get farm subsidies, no one has done it for a whole range of other things, and to single out the lowest income group and impose this restriction bespeaks the sense that they are therefore really people of low moral fiber. Why do my colleagues have to force them to do this? Why do they pick out the poorest of the poor and say, if they are not working, we are going to make them do this, because the underlying assumption is these are not people of great moral worth, these are not people who will do it, and please, as I say again, do not, basic principle, do not invoke the President if my colleagues are not prepared to invoke the President. If my colleagues want to accept the President's language, invoke the President for support, but if they object to the President's language, let us not have the President being thrown in that way.

This is a very clear-cut singling out of the poorest of the poor in public housing.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I just want to make sure that it is clear, because I get the impression we are getting ready for a vote shortly, this is the amendment that says that 80 percent of mothers in public housing with newborns can be evicted for failure to volunteer.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman has clearly not followed this. Yes, we believe in this body that women with their children or fathers with their children should be there and there is some evidence that that is important, but if they are poor enough, then they lose that right to do it all the time, and 8 hours a month in principle may not be that much, but if one does not have child care available to them, 8 hours a month could be a problem, particularly if they have to schedule the 8 hours. There may be some unscheduled problems with the children, and I have to say imposing this restriction on every housing authority, whether they want to do it or not, on everyone in the country, yes, it does to us mean that our colleagues are singling out the poorest of the poor for a harsh treatment.

And I will concede one thing to the gentleman from Iowa. He says this is philosophically in tune with the people. I recognize, given the distorted view of things it comes across, it will be popular, but it is mean, it is not right, and I would hope we would at least make this exemption.

Mr. POSHARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think citizens in this country ask one thing of their government above all other things. That is a sense of fairness, a sense of justice, a sense of consistency in the way we treat people irrespective of their economic wherewithal or irrespective of their needs.

There is a wonderful line in a poem by Robert Frost, the poem called ''Death of the Hired Man.'' Silas, the old hired man, has come back home. He is still able-bodied, but the gentleman who owned the farm said to the lady he ought to have to earn his way here. He has come back home, and we should not keep him unless he can earn his way.

Now I remember the words of the lady who spoke to her husband, and she said, ''You know, home is something you somehow have not to deserve. Home is the place that when you got to go there, they got to take you in.''

Now think about that. That is the real argument here. America, out of its goodness, provides a home for a lot of people who are in very difficult circumstances, and what some folks here want to do is say, ''Nah, before we provide it, they have to somehow earn it, they have to deserve it.'' That is not what the heart of America says. That has never been what the heart of America says. America says just what Robert Frost said:

''Home is somehow something you have not to deserve.''

That is what we owe our poorest people. We cannot legalize their sense of contribution to the little box where they live. That does not make it right or make it better.

If we want to do something, why do we not direct our efforts to provide more education, more training, more opportunity so people can escape some of these circumstances? That ought to be the real thrust of what we do out of the heart of America.

I have 46,000 families in my district, one of the largest districts in the Nation, that have earned income tax credit qualifiers. I know what people's perception of poverty is in this country. Five percent of those people in the earned income tax credit in my district are black; the rest of them are all white.

Listen. They work really hard. They do not want to stay in these circumstances. They never wanted to be in them to begin with. They want hope. Just go there and talk to them. My colleagues would not get a sense that they are lazy or they want to be there. Most of them already work 20 hours a week for the welfare benefits that they get. That little box they call home is about

all they really feel is theirs. Do not demean their ownership. Opportunity, not mandating their innate sense of contribution, is what they need.

None of us, none of us in this country, really deserve the tremendous good that our country gives to all of us. I can think of 100 different categories of people which the Federal Government helps who we do not mandate that they do anything to deserve the help. We build ballparks, race tracks for people who are multimillionaires, and we do not say, ''You got to do something to deserve it.''

I go through a major airport at least two or three times a week. I do not see many poor people there flying. We pay for that with tax money. I go to our great land grant institutions of higher learning. Ninety percent of the children that are there are children that are from wealthy families or families at least that have a decent wherewithal. They are not poor children. We pay for that with tax dollars. We do not say they have to deserve this.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentleman from Illinois [Mr. POSHARD] has expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. POSHARD was allowed to proceed for 1 additional minute.)

Mr. POSHARD. Let us not make the poor people of our country feel like they are the only ones who have to deserve the goodness, the heart of our Nation, that they have to prove that they are deserving to live in housing that the rest of us here in this body probably would not live in if it were given to us for free. That is what this is really about. We are changing the ground rules here. We are flying in the face of something very basic and fundamental as Americans, and we ought not to do it unless we are willing to do it across all classes and be consistent for all manner of people and needs.

Mr. SESSIONS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Chairman, the words that have been spoken today on both sides do address the heart of the issue. The heart of the issue is whether we are going to ask those people who are American citizens, those people who live in public housing, whether they are going to participate in an America that is moving forward.

On March 6 of this year, I am the person that engaged Secretary Cuomo on the discussion as it related to H.R. 2, section 105, and that is the discussion that I attempted to engage with the leading housing authority in this country on this specific issue, the issue of how are we going to have people who live in public housing who are not employed but who receive something of substance from the Government, how are we going to enable these people to become a part of the process not only within their own housing unit but within the general community? And I must tell my colleagues that as I talked to Secretary Cuomo the sense that I received was that in the spirit in which we meant it is that we need people to participate in America.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SESSIONS. Mr. Chairman, I will yield to the gentleman in just one moment, because we were there that same day and I would like the gentleman to recount the same things that I heard.

I would like for the RECORD to once again be noted that Secretary Cuomo agreed with this section, and it is specifically my point in rising today that I believe we are asking for participation from those people who live in public units to become a part of that public unit and to make it work.

Lastly my point, and then I will yield, I believe that what we should do is listen to the people who are in the business of public housing about how they see the public policy working, and Secretary Cuomo said he agreed with it. It was a forthright, honest question that I gave to him, and he gave me a forthright honest answer.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think a lot of the sort of inclinations that the gentleman has I think are reasonable. I think that the real question is whether or not we are going to be evenhanded with this notion of how we expect people to react to this renewed sense of commitment to America, and what I wonder is in this bill there are a lot of landlords that are going to have, they are going to make millions of dollars.

Mr. SESSIONS. That is not the discussion of this bill. That is not the discussion about who is making money and who is not because that is an investment issue.

Mr. KENNEDY of Massachusetts. If the gentleman will continue to yield, I just have a question for him.

There are a lot of landlords that in this bill are going to make millions of dollars this year. They are going to be people that own project-based section 8 housing, people that receive section 8 vouchers, and be all sorts of folks that make money.

Now, I wonder whether or not the gentleman feels that those individuals that are going to make money out of this bill have the same requirement for voluntarism that the people that occupy the public housing do.

Mr. SESSIONS. Mr. Chairman, it should be noted that they have invested that money for the purpose which is for the good of all people. They get up and go to work every day. I would like to say that even though I have what might be considered a full-time job I still take time to volunteer.

Mr. KENNEDY of Massachusetts. If the gentleman would continue to yield, I am not discounting his voluntarism.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I want to make it clear because I was also a participant in the conversation with Secretary Cuomo on that particular occasion. Secretary Cuomo also made it clear that failure to volunteer was not a binding lease term and he would not support the eviction of an individual for failing to volunteer. And we made a distinction on that occasion between public service in terms of voluntarism; i.e., Boy Scouts and Girl Scouts, a form of volition, and another form punitive in nature, which this bill and this particular section that the gentleman from Florida [Mr. WELDON] has recommended speaks to, and that is that right now 80 percent of mothers in public housing, under Mr. WELDON's amendment, 80 percent of women in public housing who have newborns will subsequently be evicted if, in fact, they do not volunteer, and that is what we are talking about.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, let me ask the gentleman this. The gentleman's amendment evidently talks about children up to the age of 6; is that correct?

Mr. JACKSON of Illinois. I would think that is exactly what my amendment speaks to.

The CHAIRMAN. The time of the gentleman from Texas [Mr. SESSIONS] has expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. SESSIONS was allowed to proceed for 1 additional minute.)

Mr. SESSIONS. So the question is, is that we should take these women who have babies, children that are under 6, and to exempt them simply because they might have children that they have to take care of?

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman from Texas again yield?

Mr. SESSIONS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. No, my amendment specifically states that a single parent, a grandparent or a spouse of an otherwise already exempt individual who is the primary caretaker of a child under 6, an elderly person or person with disability, that they be exempted from the community work requirement. The gentleman then subsequently proposed an amendment that allows a public housing authority an amendment to my amendment which simply suggests that only 20 percent of people living in public housing should meet this requirement, and that is the specific amendment that we are addressing, and therefore I raise the question about the additional 80 percent that would not be exempted under the gentleman's amendment.

That is specifically what we are talking about. His amendment says that 80 percent of women in public housing who have newborn children must volunteer, leave their child at home or

face eviction. That is what his amendment says.

□ 1600

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the leadership of the gentleman from Massachusetts [Mr. KENNEDY] and of the gentleman from Illinois [Mr. JACKSON] on this issue in bringing it up for our attention.

I was prepared today to offer an amendment to eliminate totally this aspect of this legislation. I think the amendment of the gentleman from Illinois [Mr. JACKSON] is eminently fair, it is reasonable, and it responds to the concerns that I have heard expressed on behalf of the American people.

I would simply like to ask the gentlemen on the other side of the aisle why they would not accept the Jackson amendment, why they do not believe that this is eminently fair, that they would distinguish those parents, those disabled individuals, those caretakers. First of all, they are representing that they are representing the American people, and that is that America now is caught up in the emotion of volunteerism.

Might I emphasize that volunteerism is just that. I believe in volunteerism. I believe in what the President did over the last weekend when thousands of people came and voluntarily came and voluntarily committed themselves to volunteering. I believe in the schools who are saying, we are not going to give diplomas unless some of our children are engaged in volunteerism as a part of the diploma. I believe in that. Why? Because children are in a learning mode.

So all of us are not to be labeled as fighting against this concept of volunteerism, and the other side of the aisle holds up the moral standard of volunteerism for this Nation.

The question is that my colleagues on the other side of the aisle are forcing individuals who need a roof over their head to be able to say that we have a place to live, to go out and abandon children, to not be able to be the appropriate caretakers. And in actuality, my colleagues are taking from them, without due process.

If we explain to the American people that we are categorizing poor people, taking from them their rights without due process, I think the American people would understand and believe that this side of the aisle with this amendment, this fair amendment, is right. My colleagues are denigrating them, and they are also disrespecting the volunteerism that goes on in housing authorities across this land.

I have almost the largest number of housing units in my district in the State of Texas, public housing units, section 8 vouchers. Those individuals volunteer. I have personally worked with them myself to clean up housing projects, housing developments. I have personally worked with them, personally swept up, personally planted plants with people who live in housing authorities. I have seen no lack of interest in cleaning up their area, no lack of interest in beautification, no lack of interest in volunteerism, begging for the community to come to the housing developments, begging for them to volunteer with us.

This is an outrage. It is an outrage because my colleagues are forcing the 8 hours on individuals that have been claimed, as the Jackson amendment exempts, grandparents, spouses who are primary caretakers for dependent young children, senior citizens or disabled persons.

I cannot understand, and I would ask the gentleman from New York [Mr. LAZIO] as well, why he is not willing to accept this as a faithful compromise to this issue, why the gentleman is not wanting to see us work together to be able to provide this kind of leadership on this issue.

Mr. SESSIONS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, I thank the gentlewoman for yielding and, in the bipartisanship from the State of Texas, I appreciate her words.

It is our concept and idea that this is a good idea. That is why we are not yielding on this amendment. We think that volunteerism is important. We would like to encourage, where appropriate, each of the people who are in section 8 housing units to get together, those mothers, to band together, to know each other, to get to know who their children are, who those children are and to work together, and then to allow, as a result of this community work, this volunteerism, to allow a mother to go out and to expand her horizons.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman very much, out of the spirit of bipartisanship in the State of Texas. Let me respond to that.

We had the welfare reform package that has indicated to those on welfare, some of whom are in the public housing from welfare to work. We have already set parameters for individuals to transition out of dependency into independence. This issue of volunteerism should be what it is.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

Mr. LAZIO of New York. Mr. Chairman, I am going to object to this. People are waiting in line. Everyone is wanting to have a chance to speak.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the gentleman from New York [Mr. LAZIO] has not answered my question, and he has not objected to more time for all the other speakers, and I would like to get an answer to my question. It certainly seems to be unfair when we engage in this debate to not give appropriate time. There have been unanimous consents before without an objection.

The CHAIRMAN pro tempore. There is an objection.

Ms. JACKSON-LEE of Texas. Let me simply say, Mr. Chairman, the gentleman is misguided and misdirected. I am withdrawing my amendment in support of the amendment of the gentleman from Illinois [Mr. Jackson], and I think my colleagues on the other side of the aisle all need to do the same thing.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think everybody in the Chamber this afternoon wants to resolve a problem that has persisted in this Nation for decades, and that is the problem of poverty, particularly the problem of poverty in public housing.

Someone mentioned that we are about to change the ground rules. I think it is about time to change the ground rules. We are attempting to change the ground rules so that we can cut the cycle of the paralysis of poverty that has existed in public housing for far too long. We are talking about women who have children should not be a part of this particular program of voluntarism.

Well, No. 1, if someone living in public housing with children has a part-time job, it is my understanding that they are exempt from this voluntarism program. However, let us take a look at the women who are not exempted, let us take a look at the women who are not working and who have children. It seems to me that, if we create a structure where these women will have an opportunity to have an exchange, a simple, human exchange with other people for a couple of hours a week, that is a positive thing. If we are to break the cycle of poverty, we need people to have an exchange of information, an honest exchange of information with other people within the community.

Women with children should be offered an opportunity to improve the quality of their life. They will not improve the quality of their life unless they have the chance, created by this structure, to exchange information with other people, and the community, the public housing project, the manager of that project, has the opportunity to create an infinite number of volunteering opportunities, not just one or two. We could even have two women in that project who would volunteer to baby-sit 2 hours a week for their neighbor. That is an opportunity to volunteer.

Let me make one other point. As we discuss this issue, I think a fundamental issue has to be raised here. As we

discuss the issue of trying to break the cycle of poverty, which is what has paralyzed people, often for decades, what is the mystery of human initiative? Why do some people seem to be successful and other people are not so successful? It seems to me, the mystery of human initiative is responsibility, dignity, and compassion, and offering the structure, a very flexible structure, so people will have the opportunity to meet other people, to exchange ideas, to listen and learn, to improve the quality of their life, the structure that we are offering here, that the gentleman from New York [Mr. LAZIO] is offering here I think is beginning to resolve or solve that mystery. We are offering people responsibility, we are offering people dignity, and in the process we are offering people compassion.

Now, I want to look at public housing. I have many public housing units in my district. I go from Baltimore city to the rural Eastern Shore, and I can tell my colleagues some housing projects are wonderful and some housing projects no one would want to live there, and no one should live there.

The reasons for that are several. There is a lot of money pumped into public housing projects. I can tell my colleagues just in my district, and we relentlessly pursue this, a lot of that money never reaches the maintenance of the public housing project. It never reaches the problems of drug abuse. It never reaches the problems of recreation. It never reaches the people that we intended that money to be served for. Whose responsibility is that? It is each Member of Congress that needs to get into every housing project in their district and see what some of the problems are.

When we pass this bill, and I hope we pass this bill and I hope this bill is signed into law by the President, it is not the end of it; it is only the beginning of it. We should begin to pursue not only how this volunteerism program works but follow the money trail, because I would say right here on this House floor, Mr. Chairman, that there should not be one housing project in the United States that is managed well that should not be a fine example of how people should live, not only the maintenance, but the education and how people are nurtured.

So I would support the amendment of the gentleman from New York [Mr. LAZIO].

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me offer a suggestion as to what I think underlies this. Mr. Chairman, I think that some of our friends over here on this side know that the American people, many American people are very angry and they are very frustrated. The reason is that, despite what we read in the newspapers every day about our, quote unquote, booming economy, what our Republicans friends know, some of our Democratic friends know, is that the ordinary American is working longer hours for lower wages. What our Republican friends know is that most of the new jobs that are being created are low-wage jobs, they are often part-time jobs, they are temporary jobs.

So the average American today is frustrated and is angry, because his or her standard of living is in decline. They look around and they say, well, why am I in worse shape than I was 10 years ago? Why are my kids in worse shape than was the case in the previous generation? And instead of having the courage to look at the real causes of our problems, trying to understand that our jobs now are going to China and to Mexico, trying to deal with the fact that, while the richest people in America have never had it so good, the standard of living of working people is in decline, trying to understand that the minimum wage has not kept pace with inflation for 4 years, trying to really address the frustrations and the angers of the middle class when our Republican friends are saying, we know why they are hurting, and they are hurting because all of their money is going to those poor people.

They are the ones who are taking the tax dollars. They forget to talk about the $125 billion a year that goes in corporate welfare, tax breaks and subsidies for the largest multinational corporations in the country, many of which are taking our jobs to China and Mexico. We do not talk about that. They do not talk about a housing policy through the home interest mortgage reduction program which allows billionaires to get checks from the Government when they deduct the interest on their mortgage from their mansions.

We do not talk about that. But what we say, it is the poor people. And then if we are going to target the poor people, we have to figure out a way to humiliate them.

So what we say is: If you are poor and you live in a housing project, you must work. Now, how do we have a volunteer program when we force somebody to work? I have never heard about that. Now, some people say well, we want to help these poor people. What about creating jobs that actually pay something? Are my colleagues going to work with me for having public works programs and get those people out so they can earn a paycheck? I have not heard that.

What my colleagues are saying is: We want you to work, but we are not going to pay you. We are going to give tremendous power and authority to your supervisor, the administrator at the public housing authority, to tell you what you are going to be volunteering to do.

□ 1615

I would suggest that what this entire process is really about is scapegoating; is having the middle class and the working people think that their problems are because of the poor, rather than looking at what the wealthy and the powerful are doing.

Mr. Chairman, I would suggest, somebody here before said about upper-income people, you have upper-income people who are getting checks who do not work. We have not heard any suggestion that maybe those people might want to be forced to volunteer in order to get their checks from the government.

I would suggest that this entire policy is one of an effort to humiliate poor people; to get the middle class in opposition to poor people, rather than to really look at what the causes of our problems are.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman from Illinois [Mr. JACKSON] and the gentleman from Massachusetts [Mr. KENNEDY] for their leadership, and even Chairman LAZIO, and really make a final appeal to my Republican colleagues to withdraw the Weldon amendment; that we all recognize as we negotiate here on this House floor we must do what is best for the American citizens, particularly our weakest citizens, our economically weakest citizens.

Mr. Chairman, I echo and underscore many of the points that have been made by several of my colleagues on both sides of the aisle, particularly those who would suggest to us that we ought to be fair and consistent in how we treat all Americans from an economic perspective.

To mandate to those who happen to be poor, who happen to not be able to write huge checks to our campaigns, who happen to not be as politically strong as some constituencies in this Nation, Mr. Speaker, and I say to my colleagues on both sides of the aisle, we all know that is wrong.

Let us support the Jackson amendment and do what is right for America. If we are indeed sincere and serious about eradicating poverty, or reducing levels of poverty, of giving children and young people a chance in this Nation, let us do the right thing and provide for senior citizens and caretakers to this Nation, who in a sense are providing the grandest form of volunteer service, the tallest and proudest form of public service.

I appeal to my colleagues on both sides of the aisle, do the right thing. Do the American thing. Do the fair thing. Bring a sense of justice or restore a sense of justice to this issue. Treat those who live in public housing authorities like we treat those who receive tax and oil subsidies in this Nation. Treat those who live in public housing authorities like we treat those who receive any type of other subsidy in this Nation.

Let us do the right thing. Let this body restore the confidence that we know we deserve, that we have lost, that has been shattered. Let us do the right thing and treat public housing residents like American citizens.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, I have been listening to this debate in my office, absolutely fascinated. I am seeing some people on both sides of the aisle who I absolutely have the most tremendous admiration for. I basically feel I have friends arguing with friends.

But this is a very important debate. It is a debate about an attitude and an approach. I think that we could probably misread some of the motivation on that side of the aisle, and I think they could probably misread some of the motivation on this side. In my view, in the final analysis, it is not what you do for your children but what you have taught them to do for themselves that will make them successful human beings.

I am sincerely not troubled by seeing a 4- or 5-year-old by his or her mother. I think of my dad taking me outside and working at 2 or 3 or 4, just seeing my parents active and doing something. I do not view this in the sense that this is a type of servitude. I view this as opportunity.

If this legislation were to say or this amendment were to say 3 and under, I would be more sympathetic. If it was disabled, I would be more sympathetic. But it is just, to me, a gutting amendment. I do not understand why a 6-year-old or a 5-year-old cannot work by their parent. For me, I just feel that there is some kind of a disconnect that is taking place here.

Democrats have pushed national service, legislation I strongly support; AmeriCorps, which I strongly support. Our side says we do not want the mandate and we do not want this kind of enforced opportunity to volunteer. Now I see the role reversed. It is almost like they are on the other side arguing against this concept of AmeriCorps and our side is arguing for it. For me, this is a logical step.

Mr. Chairman, I had a young woman call me when I was a State legislator and say she wanted to live in Stamford. She had a young child at age 16. She was adamant that she be allowed to live in public housing in Stamford. I said, we do not have any. But she said, it is my right. I said, you have a young child. You are going to receive welfare. You are also going to be provided a place in Bridgeport. Maybe it is not Stamford.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, all of the information that we have from Time this week, the cover of Newsweek, all of the indications are that children between zero and 6, that is when their personalities are formed, it is who they will be.

Are we saying that single parents can no longer——

Mr. SHAYS. Mr. Chairman, reclaiming my time, I would love for a 4- and a 5- and a 6-year-old who is going to be influenced, that they would be influenced by seeing their parent work, and to see them at a gainful activity that is of community service. So I view that as a positive.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, one of the concerns I expressed, and the gentleman should know this, I understand that what the gentleman is suggesting is that they should take the children to work with them when they are doing this volunteer work. One of the serious concerns that we have raised is that there is no liability protection if somebody gets hurt, and that is going to double that concern, because not only can the parent then get hurt and not have coverage, but the child can also get hurt.

Mr. SHAYS. Reclaiming my time, with all due respect, Mr. Chairman, I think we can find 100 reasons why they may not want this. I think it is an approach and an attitude. I view this as opportunity.

I congratulate the gentleman from New York [Mr. RICK LAZIO] for what he is trying to do. I understand the concern. If there was an effort to amend this, I would be speaking for an amendment that said apply to 3 and under and disabilities, but it is just too broad. In my judgment it is a gutting amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. I would just like to follow up on the point that my friend, the gentleman from Illinois [Mr. JACKSON], made.

The issue pertaining to the development of youngsters does not have to do with the fact that they are in some kind of an eligible home or some kind of day care center. It has to do with whether or not they are in the loving arms of a parent or a grandparent. That is what all these recent studies show.

What we are trying to suggest——

Mr. SHAYS. Reclaiming my time, Mr. Chairman, to me it is not just being in the loving arms, it is seeing a parent who is setting an example. Sometimes it is in the loving arms, sometimes it is working side by side.

Mr. JACKSON of Illinois. If the gentleman will continue to yield, he said to him; that is the operative word, to the gentleman from Connecticut [Mr. CHRIS SHAYS], to you. But the reality is that the scientific evidence says from zero to 6 they should stay close to their parent.

Mr. SHAYS. Reclaiming my time, the gentleman misses the point. I do think between 1 and 6 is a very important time in a child's life. I think part of that is seeing a parent contributing to society and to their community. I want a young child to see a parent contributing to society.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

We all know what is going on here. We should know what is going on here. It is nothing different from the welfare bashing that we saw in the last Congress. My colleague, the gentleman from Massachusetts [Mr. FRANK] said it really well. They are playing upon a perception here. They are bashing poor people just as they bashed immigrants.

Make no mistake, if the immigrants had been Irish overstays, there would not have been half the impetus to pass that bill and go after immigrants. It was the perception of Hispanic-Americans coming across the southwestern border of this country, the anecdotal mythology about legal immigrants and illegal immigrants. They did not even want to make the distinction between legal immigrants and illegal immigrants.

What I am saying, Mr. Chairman, is they are going to pass a policy here that says make the poor pay, because we know what the poor are. We are talking minorities here. Make the poor pay. OK?

What they should be doing, if they really thought that people, the Federal Government, ought to be getting a little bit of return on its investment, which is what they are trying to cloak this argument as, then why not apply it to every other Federal contract and Federal program that is out there? They and I know why they are not doing it to defense contractors. They and I know why they are not doing it to farmers. They and I know, because that is not the same.

Excuse me, it is not the same? They are receiving taxpayers' money. Why are they not volunteering? Because they know and I know what we are talking about. They are talking about a perception out there of the poor being minorities, and they are thinking, they ought to go out and work, because my taxpayers back home are sick and tired of this welfare state.

It was the same mistake they made with the immigrant, the legal immigrants, because they did not want to make the distinction between legal immigrants and illegal aliens, because they figure they are all immigrants, OK? And we do not want to make the distinction because it would hurt our political cause to be true to what the reality is, because we are playing politics here. That is what we are doing.

We are playing politics, which is a dangerous thing. It is playing politics with prejudice and playing politics in the kind of divide-and-conquer way that these people have been so good at playing politics in the last Congress, and they are continuing to play that same brand of politics in this Congress.

I want to say that I want to support the amendment offered by the gentleman from Illinois [Mr. JACKSON]. I think he is absolutely correct in what he is fighting for here. If we are really caring about having everyone sort of

volunteer if they are going to be given some Federal program, then we ought to have it apply to a lot more programs than the ones that they are trying to target here. That is poor people in Federal housing.

I think it is just a clear case of scapegoating, as my friend, the gentleman from Vermont [Mr. SANDERS] said earlier.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to rise in support of the Jackson amendment and against the amendment being offered to the Jackson amendment. I think the gentleman raises some important points.

I think we passed welfare reform. The question is, how many more layers of bureaucracy do we need? How many more do we need? Do we need one for food stamps? Do we need a layer of bureaucracy for public housing? Why do we want to turn our public housing agencies into employment? Is that going to be their role with this type of block grant, these new types of mandates?

I think it is really a mistake to go down the path that is being proposed here by the majority in this public housing. But for this fact and some others, I think there have been some changes in this bill for the good. But I think this fact, in terms of this sufficiency contract, is superimposing something from Washington on thousands of local public housing authorities, where we have already programs that deal with JTPA, that deal with welfare reform. We already have those programs in place now.

There was great debate about that in the last Congress. We are obviously trying to clean up some of the problems with that that dealt with the unfair aspects of it, that dealt with legal immigrants. I hope we can do that.

The fact is, why do we not build in what we have in place in terms of the child care, the skills, the education, the counseling and the other services that are necessary? We know that those elements are necessary in terms of health care, in order to move people into the world of work, to let people do what they can for themselves.

But to try and superimpose this on a housing agency, with separate records, proprietary and personal information that has to be dealt with, the recordkeeping. Basically it comes down as a very, very significant problem, a lot of debate. I think it really stands as political symbolism as opposed to a substantive effort to deal with and to try to provide for people, in the world of work, an opportunity.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there has been a lot of talk here that there has been an attack on the poor. Quite frankly, I do not believe that either side of the aisle is really attacking the poor. Even in this bill, which is supposed to be a radical change in direction on public housing, I find that in the budget we are appropriating $5 billion more, so that is hardly an attack, in an effort to help the poor.

But I do think the poor are suffering. I think there are a lot of people in this country who are suffering. I think the recipients of public housing are suffering. I think those who are paying for it are suffering.

There is a problem much more perceived in the hinterlands of America than we seem to realize. The poor in this country are suffering, but this is a result of the type of policy that we have here in the Congress, the policy of spending too much, the policy of inflating, the policy of destroying the currency. When a Nation destroys its currency, it transfers wealth from the poor and the middle class to the wealthy.

Even in this very bill where we are appropriating more money, it is to the benefit of many wealthy people: the people who build the houses, the people who receive the rents. So there is a transfer. There is a transfer of wealth, but the achievement on public housing policy has never been successful. This is what we are facing today.

But we are also facing the fact that the consequence of a 30- to 50-year welfare state is coming to an end.

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This is why the great debate is on. We have this every 30 years. We were much wealthier in 1965 and subsequently spent $5 trillion on a welfare state. Now we are facing a bankruptcy.

The concern for the poor is justified. The poor are suffering. The poor are suffering because they pay the bills. I would like to see the challenge of the welfare for corporate welfare in this very bill itself. There are wealthy beneficiaries from this.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, my amendment specifically calls for the exemption of a mother who has a single child to keep her from being evicted for failure to do 8 hours a month of community service work. If the gentleman would speak to that particular part, we may reach some agreement on this.

Mr. PAUL. Mr. Chairman, I think that is a minor point and something we should be concerned about. But I am also concerned about those individuals who have been evicted from their homes because they have been taxed. The system that we have today works on a regressive tax system.

We talk about the Social Security tax that goes into the general revenues. Those are on individuals that have a greater tax burden than the wealthy. And this is the reason this country is getting poorer. But you are taking money from poor people and giving it to another group of poor people and in the transition, the wealthy get more money. So we do not have a very good system here.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I hope the gentleman was here when we debated the mandate, the unfunded mandate amendment, and understands that to implement the plan that is in the bill, it is going to cost $65 million a year. The gentleman is aware of that.

Mr. PAUL. Mr. Chairman, I think so. This is the reason I have great concern about most of the details of this bill and also the reason I will be voting against the bill. I think the gentlemen make many good points.

Mr. JACKSON of Illinois. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman for supporting our efforts.

Mr. CUMMINGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, I want to again commend the gentleman from Illinois [Mr. JACKSON] for his efforts. I particularly want to commend him for his concern about the children of the poor.

One of the things I think we must keep in mind is children's personalities. I am the father of a 3-year-old, and I know for a fact that from zero to 6 is a very critical time for a child. If we think about children's development, they develop their personalities; they become who they are. And our children have basically one life to live. And there are no dress rehearsals and this is it. And that is why it is so critical that parents be with children.

Somebody asked a question just a moment ago, why is it not zero to 3? Well, the fact still remains that zero to 3 is a critical period, but most children go to school at 5 to 6. The question becomes, who takes care of those children before they go to school? I think that is extremely important.

Another thing that we have to keep in mind is that taking care of children is a very, very significant job. It takes time. Children need their parents. So the fact is that the Jackson amendment is very, very critical.

If we want to talk about ending the cycle of poverty, one of the greatest ways to end that cycle is to make sure that children are taken care of so that they then form the personalities so that they then grow up so that they then become responsible citizens. And what happens to those children between zero and 6 will go with them for the rest of their lives.

My distinguished colleague from North Carolina on the Democratic side just talked about something that was very critical. He talked about liability. Somebody asked a question, well, why can we not take these children to work with us and do this volunteer work?

First of all, I want to define volunteer. We keep saying volunteer. This is not volunteering. We would not be having this debate if it was volunteering. It is not.

What we are saying to people is that if they do not do a certain thing, we will put them in the street. And that is what is called punishment. If we are connecting what we call volunteering to punishment, it is not volunteering.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. CUMMINGS. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, the gentleman makes, I think, the key point in this whole debate. If we want a volunteer program, let us develop a volunteer program. But a volunteer program says, we would like you to volunteer. And we create the circumstances.

That is a good idea. If we want people to work, we have got to pay them. I would hope that my Republican friends, who have talked about the virtue of work and how people's self-enhancement and self-esteem goes up with work, would understand that when most people work they expect a paycheck.

I look forward to an amendment from my Republican friends that says, when we get people to work, we are going to pay them so their kids can see them earning a paycheck.

Mr. CUMMINGS. Mr. Chairman, that goes back to what I am saying. We have to put all of this discussion in some kind of context. We must define what we are doing. I am getting tired of hearing us talk about volunteering when we are not.

Mr. Chairman, I submit that if we are going to stop the cycle of poverty, what we must first do is invest in our children, lift our children up. There is no greater thing that a parent can do than to be beside a child to help form that personality to pass on wonderful ideas, wonderful feelings and give them a sense of self-worth.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CUMMINGS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I want to try and work this out. I would like to call for a vote very soon on the Weldon amendment, but I want to make it clear that if the Weldon amendment passes, that I want Members to vote against my amendment, because 20 percent does not cover the number of housing residents who will be single mothers with children who will be affected by the Weldon amendment to my amendment, which is very basic, very family-value oriented, and it is very clear and very well worded.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. CUMMINGS] has expired.

Mr. JACKSON of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. CUMMINGS] be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. LAZIO of New York. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I support the efforts of the gentleman from Illinois to bring this issue to a vote.

Let me just say that my intention in offering this amendment was purely one that I felt there was some merits to what the gentleman was talking about. I wanted to give the housing authority the flexibility it needed to accommodate situations that the gentleman is describing.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman from Minnesota for yielding to me.

I am of the opinion that there is no such thing as 20 percent of a person. There is no such thing as 20 percent of a child.

My amendment is a very common sense amendment. It simply says that single parents, grandparents, or spouses or otherwise exempt individuals who are the primary caretaker of a child under the age of 6, 6 or under, elderly persons or persons with disabilities should be exempt from 8 hours of monthly mandatory service.

Mr. Chairman, the gentleman from Florida [Mr. WELDON] is amending my amendment by saying that only 20 percent of those who meet my qualifications are entitled to be exempt, and I think that is clearly wrong.

I yield back to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I would just point out that this is the type of detail we get into when we begin to require public housing agencies to, in fact, mandate or permit them to mandate certain requirements with regard to work requirements for receiving housing.

My point is that I think I understand that the gentleman from Florida [Mr. WELDON] is trying to do something in the positive sense to try and provide some relief. I think the Jackson amendment really addresses what the issue is. If, in fact, this is a good-faith effort in terms of work, we would obviously incorporate that.

Personally, I have real problems with housing authorities having this responsibility. I do not think it is their role for 3,400 housing authorities to have this particular responsibility, especially when we have counties, we have welfare programs within the States, they are fully developed, it is, in fact, quite a task for them on their own.

This comes across as being punitive. This comes across as punishing people because they are poor, because they are in public housing. Mr. Chairman, I think that that is wrong. I think that, if we are going to put this in place, the least we can do is to deal with women that have children that, in fact, those children need care.

They cannot afford quality day care and child care. In many communities it simply is not available. We increased that amount in the welfare bill last year. I think we are going to have to deal with that if we are serious about welfare reform and seeing it work. To a greater extent, I think it is the right way to go in terms of work requirements under one set of Federal requirements, working with the States, rather than superimposing for every program we have a new type of work requirement.

I think, if anything, it confuses, it undercuts, it works against a sound type of welfare reform. That is what these particular provisions, these so-called self-sufficiency provisions in this bill cause; and I think they ought to be all taken out. But if we are going to have them, at least we should deal with women that have children, single women, or single parents I might say, that have children that are living in public housing that they can receive the assistance.

Mr. MCGOVERN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. MCGOVERN] for yielding.

Mr. Chairman, I would like to just get a clarification of where we are on these votes so that the Democratic and Republican Members both understand exactly what we anticipate coming and we can give our best judgment on our side of the aisle what we think the proper votes might be.

So if the gentleman from New York [Mr. LAZIO], the chairman of the Subcommittee on Housing and Community Opportunity, will let me know what he anticipates being the votes and in what order they will come.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, I anticipate that we will have three votes and that they will be in the following order: the Jackson amendment, which we have debated; the Weldon amendment would be the second vote; and the Jackson amendment which we are currently debating would be the third vote that we would have.

Mr. KENNEDY of Massachusetts. So the previously debated Jackson amendment would be the first vote; is that correct?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, the Jackson amendment, as printed in the RECORD as No. 8, would be the first amendment, if that helps out.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will suspend for just one moment.

Amendment No. 8 does what?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, this is the amendment that totally strikes the provision.

Mr. KENNEDY of Massachusetts. So this is the amendment that we previously postponed a vote on; it has nothing to do with the debate that is currently taking place, correct?

Mr. LAZIO of New York. Yes, the gentleman is correct.

Mr. KENNEDY of Massachusetts. OK. So the first vote on the first Jackson amendment has nothing to do with the vote on the provision surrounding whether or not parents have to work who are taking care of their children; that would be the third vote?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, that is correct. That is my understanding.

Mr. KENNEDY of Massachusetts. And the second vote will be on the Weldon amendment?

Mr. LAZIO of New York. That is correct.

Mr. KENNEDY of Massachusetts. And the third vote will be on the Jackson amendment as potentially amended by the Weldon amendment.

Mr. LAZIO of New York. That is correct.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I want to make it very clear that the Democratic side is strongly in favor of the first Jackson amendment, strongly opposed to the second Weldon amendment, and strongly opposed to the Jackson amendment if, in fact, the Weldon amendment passes.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. MCGOVERN. I yield to the gentleman from North Carolina.

PARLIAMENTARY INQUIRY

Mr. WATT of North Carolina. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from North Carolina will state his inquiry.

Mr. WATT of North Carolina. Mr. Chairman, it is my understanding that we have been debating the Weldon amendment to the Jackson amendment.

The CHAIRMAN. The gentleman from North Carolina is correct.

Mr. WATT of North Carolina. And that there are Members who still desire to debate the underlying Jackson amendment. When we vote on the Weldon amendment, if we do that today, will that foreclose the possibility of continuing debate on the Jackson underlying amendment?

The CHAIRMAN. The gentleman is correct, there will be continued debate on the Jackson amendment if any Member seeks recognition on that amendment, unless there is a time agreement reached limiting debate between those supporting and opposing the amendment.

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Mr. WATT of North Carolina. Further parliamentary inquiry, Mr. Chairman.

If we call for a vote on the Weldon amendment to the Jackson amendment, and that vote is taken, we would still have ongoing debate on the underlying Jackson amendment if there were people who wished to be heard?

The CHAIRMAN. That is possible.

The time of the gentleman from Massachusetts [Mr. MCGOVERN] has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. WELDON] to the amendment offered by the gentleman from Illinois [Mr. JACKSON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. JACKSON of Illinois. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Florida [Mr. WELDON] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 133, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 8 offered by the gentleman from Illinois [Mr. JACKSON]; an amendment offered by the gentleman from Florida [Mr. WELDON] to amendment No. 9 offered by the gentleman from Illinois [Mr. JACKSON]; and a possible recorded vote on amendment No. 9 offered by the gentleman from Illinois [Mr. JACKSON].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 8 OFFERED BY MR. JACKSON OF ILLINOIS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 8 offered by the gentleman from Illinois [Mr. JACKSON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 251, not voting 22, as follows:

[Roll No. 100]

AYES—160

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
DeGette
Delahunt
DeLauro
Dellums
Diaz-Balart
Dixon
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Lantos
LaTourette
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Snyder
Stark
Stokes
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—251

Aderholt
Archer
Armey
Bachus
Baesler
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
Deutsch
Dickey
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Murtha
Myrick

Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Andrews
Baker
Barton
Bonilla
Buyer
Coburn
Davis (IL)
DeFazio
DeLay
Dicks
Greenwood
Herger
Hyde
Klug
LaFalce
Largent
Manton
Oberstar
Ortiz
Schiff
Stupak
Walsh

□ 1707

The Clerk announced the following pair:

On this vote:

Mr. Manton for, with Mr. Ortiz against.

Messrs. DAVIS of Virginia, FRELINGHUYSEN, HUNTER, SAXTON, JOHN, ADAM SMITH of Washington, BARTLETT of Maryland, FOLEY, and Mrs. TAUSCHER changed their vote from ''aye'' to ''no.''

Mr. MINGE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA TO AMENDMENT NO. 9 OFFERED BY MR. JACKSON OF ILLINOIS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. WELDON] to amendment No. 9 offered by the gentleman from Illinois [Mr. JACKSON] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 252, not voting 28, as follows:

[Roll No. 101]

AYES—153

Aderholt
Archer
Armey
Barr
Barrett (NE)
Bateman
Bilbray
Bilirakis
Blunt
Bono
Boucher
Brady
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Christensen
Coble
Collins
Combest
Cooksey
Cramer
Crane
Cubin
Cunningham
Deal
Diaz-Balart
Dickey
Doggett
Dreier
Duncan
Edwards
Ehlers
Emerson
Everett
Ewing
Fawell
Foley
Fowler
Frelinghuysen
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Green
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hill
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Johnson (CT)
Jones
Kelly
Kim
Kingston
Kolbe
Latham
Lazio
Leach
Lewis (KY)
Lucas
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Nethercutt
Ney
Norwood
Oxley
Packard
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Riggs
Rogan
Rogers
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Tauzin
Taylor (MS)
Thomas
Thornberry
Thurman
Towns
Upton
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Young (AK)

NOES—252

Abercrombie
Ackerman
Allen
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Bunning
Campbell
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Cox
Coyne
Crapo
Cummings
Davis (FL)
Davis (VA)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Dooley
Doolittle
Doyle
Dunn
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gonzalez
Goodling
Gordon
Graham
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Hoyer
Hunter
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaHood
Lampson
Lantos
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Northup
Nussle
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Radanovich
Rahall
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schumer
Scott
Serrano
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Snyder
Solomon
Spratt
Stabenow
Stark
Stokes
Strickland
Talent
Tanner
Tauscher
Taylor (NC)
Thompson
Thune
Tiahrt
Tierney
Torres
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Wexler
Weygand
White
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—28

Andrews
Baker
Barton
Bonilla
Brown (OH)
Buyer
Coburn
Danner
Davis (IL)
DeFazio
DeLay
Dicks
Gallegly
Greenwood
Herger
Hyde
Johnson, Sam
Kasich
Klug
LaFalce
Largent
Manton
Oberstar
Ortiz
Schiff
Sensenbrenner
Stupak
Walsh

□ 1718

The Clerk announced the following pair:

On this vote:

Mr. Greenwood for, with Mr. Manton against.

Ms. DUNN changed her vote from ''aye'' to ''no.''

Messrs. WELLER, BRADY, and CRAMER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that debate be limited prior to the vote to 3 minutes on each side. This has been fully debated, and I think each side wants to clarify their positions and make a summation, and then this will be the last expected recorded vote, as I understand it, of the day.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. KENNEDY of Massachusetts. Mr. Chairman, could you explain to us the rules? Who has the right to close this debate?

The CHAIRMAN. The gentleman from New York [Mr. LAZIO] as the chairman of the subcommittee has the right to close.

The gentleman from Illinois [Mr. JACKSON] will control 3 minutes, and the gentleman from New York [Mr. LAZIO] will control 3 minutes.

The Chair recognizes the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to reiterate once again how important this particular amendment is. This is the family values amendment that will simply exempt single parents, grandparents, spouses of otherwise already exempt individuals under the bill who are the primary caretakers of one or more children who are under the age of 6, elderly persons, or persons with disabilities.

I do not know what is so difficult about this particular amendment and why it has been such a tremendous source of concern for my colleagues on the other side of the aisle. This amendment is one that when we are no longer in public service we indeed will be able to provide the kind of opportunities, if in fact we have children under the age of 6, that we can spend time with them.

Mr. Chairman, in a housing project in the city of Chicago, because the parents were not home, a 9-year-old child was thrown to his death from the 14th story of a building by a 13- and a 14-year-old. It was clear that the parents were delinquent because they were not present on that particular occasion.

My amendment exempts those primary caretakers for children under the age of 6, those who have senior citizens who are senior citizens, and those who have disabilities from this particular community work requirement. We have an opportunity, Mr. Chairman, to make this particular provision a more humane bill.

And let me just take a moment, if I can, Mr. Chairman, of personal privilege. This is the first time since I have been a Member of this Congress that I have had the opportunity to engage in a dialogue on substantive issues across the aisle with Members of this body. These are the first amendments that I have passed and attempted to pass in this institution, and I would certainly hope that my colleagues would support this amendment.

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

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment speaks to the very essence of whether we believe that people should contribute community service in return for a benefit. There are people in America that want to get into public housing but do not have the capacity to get in public housing. Three out of four Americans who are eligible for public housing are still out there working not 8 hours a month or 8 hours a week, but 30 or 40 or 50 hours a week in order to pay for their rent. In many cases they are not just paying for the rent in public housing, we are paying for the utilities as well.

This 8-hour-a-month community service requirement comes to 2 hours a week, 15 minutes a day. Fifteen minutes a day. And we are asking people not to give to Big Brother, we are asking people to give to themselves, to contribute to their own housing, to sweep their own hallway, to remove graffiti in their own building, to make sure that grass is cut or to help with the community watch program or to help to read to the blind or to work with a not-for-profit.

There is broad flexibility as to how they can do this, and if they happen to have somebody that they are caring for in their house, they have the flexibility to do work and to contribute and fulfill this requirement by staying in their own unit or working in their own hallway. This is a flexible, commonsense approach. This defines the difference between those people who want to change the culture of disaster and despair in some public housing complexes around this country and those who are willing to allow the status quo to continue.

We believe in this because we think that people will find tenants who contribute to this system will find that they can do things that they did not imagine they can possibly do. We are tapping into the huge human resources that we have in this country to be able to begin to transform low-income areas because that change is not going to happen in Washington. That change, the real war to beat poverty, is going to happen in the communities, and it is going to be begun by people who live there.

And, yes, we are asking them to give back for this benefit. Yes, we believe in reciprocity. Yes, we believe in responsibility. And, yes, we believe that children should watch it as well.

Now my friend, the gentleman from Florida [Mr. WELDON] had proposed an amendment that would provide a little more flexibility which unfortunately was opposed by this body and by some on the other side. But let me say this is a gutting amendment because in this bill we exempt seniors, we exempt the disabled, we exempt people of vocational training, we exempt people who are being educated, we exempt people in college, we exempt people who are part-time workers, we exempt people who are full-time workers; we just simply ask that people who are able-bodied and can work and can contribute to their own backyard, do something, do anything, but do something to help inspire others and to help improve the quality of life for their own community, and for that reason I ask for a ''no'' vote on this amendment.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the Jackson amendment. Mr. Chairman, when I was growing up my grandmother insisted that I learn one new word every day. Interestingly, I learned that the word volunteer means ''one who enters into or offers himself for a service of his own free will.'' His own free will, Mr. Chairman. This bill mandates volunteerism. Only Republicans could think of something like this.

Congressman JACKSON's amendment simply prevents residents from being evicted for failure to comply with the community work requirement. As the gentleman from Chicago has already so eloquently expressed, mandated volunteerism just does not make sense. Additionally, it very well could be unconstitutional according to the 13th Amendment to the Constitution.

Mr. Chairman, we place no termination dates or work requirements on middle and upper class recipients of homeowner deductions. Why do we impose such restrictions on those most severely affected by our Nation's affordable housing crisis—especially when they are already required by welfare agencies to work toward self-sufficiency? Frankly, this is absurd.

We don't require community work from other recipients of federal assistance—agricultural subsidies, LIHEAP, corporate welfare, loan guarantees, and the list goes on. Chairman LAZIO points to medical school scholarships which require work in low-income areas. The major difference, however, is that these doctors are paid for their work. They are not forced to work for free.

I ask my colleagues to support Congressman JACKSON's amendment and return volunteer community service to its proper meaning.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. JACKSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. JACKSON of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 216, not voting 36, as follows:

[Roll No. 102]

AYES—181

Abercrombie	Boswell	Coyne
Ackerman	Boucher	Cummings
Allen	Brown (CA)	Davis (FL)
Baldacci	Brown (FL)	DeGette
Barrett (WI)	Brown (OH)	Delahunt
Becerra	Campbell	DeLauro
Bentsen	Capps	Dellums
Berman	Cardin	Deutsch
Berry	Carson	Diaz-Balart
Bishop	Clay	Dingell
Blagojevich	Clayton	Dixon
Bonior	Conyers	Doggett
Borski	Costello	Dooley

Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaHood
Lampson
Lantos
LaTourette
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stokes
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Wexler
Weygand
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates

NOES—216

Aderholt
Archer
Armey
Bachus
Baesler
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boyd
Brady
Bryant
Burr
Burton
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Watkins
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Young (AK)
Young (FL)

NOT VOTING—36

Andrews
Baker
Barton
Bateman
Blumenauer
Bonilla
Bunning
Buyer
Callahan
Christensen
Clyburn
Coburn
Danner
Davis (IL)
DeFazio
DeLay
Dicks
Gallegly
Greenwood
Herger
Hyde
Johnson, Sam
Klug
LaFalce
Largent
Manton
McInnis
Oberstar
Ortiz
Parker
Ros-Lehtinen
Schiff
Sensenbrenner
Stupak
Walsh
Wamp

□ 1742

The Clerk announced the following pairs:

On this vote:

Mr. Manton for, with Mr. Greenwood against.

Mr. Blumenauer for, with Mr. Ortiz against.

Mr. QUINN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Chairman, due to unforeseen circumstances I was unable to vote during rollcall vote No. 102 on Jackson-Lee amendment No. 9. If I had been present, I would have voted ''aye.''

Mr. LAZIO of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

□ 1745

ADJOURNMENT TO MONDAY, MAY 5, 1997

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Florida?

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 6, 1997

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 5, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, May 6, 1997, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

WISHING A HAPPY BIRTHDAY TO THE HONORABLE HENRY B. GONZALEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wanted to take this brief moment. It is not often that we have an opportunity to salute a gentleman who has served this body for so many years. I would like to salute the dean of our Texas delegation, a ranking member and former chairman of the House Committee on Banking and Financial Services, the gentleman from Texas, HENRY B. GONZALEZ, U.S. Representative of the 20th Congressional District.

It seems one would question, why now? That is because I want to wish him a very happy birthday on tomorrow. He will have been in this great body since November 4, 1961. That means that he served under the leadership of President John F. Kennedy,