

Once again, I want to thank Chairman HASTINGS for working with everyone at the table to make some last-minute changes to address legitimate and justified concerns. This sort of bipartisan, respectful cooperation and compromise is just what our country needs and just what our country wants.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. DENT), who has been actively involved in this legislation since actually the issue came before us a little over a year ago.

Mr. DENT. Mr. Speaker, I too rise in strong support today of this legislation. I also want to extend my thanks to Chairman HASTINGS, to Mr. HOLT, to Ranking Member DEFAZIO, and the former ranking member, Senator MARKEY, all for their leadership, as well as our friends in the Senate, Senators WYDEN and MURKOWSKI. This is truly an example of a good bipartisan piece of legislation done in a bicameral manner. I think we can all take pride in the fact that Congress can actually get things done when we put our minds to it.

While I had some reservations regarding the initial House bill, due to some potential issues of potential contract violations, this bill before us, H.R. 527, fairly addresses those concerns. I tried to address those concerns in the previous bill. I also want to thank Ms. ESTY and Mr. HIGGINS from New York for their strong support in that effort.

Again, passing this legislation will ensure continued access to the Nation's helium supply for American businesses and researchers. As has been stated, if no action is taken before October 1, the Bureau of Land Management will be forced to shutter the Federal Helium Reserve, putting at risk thousands of jobs of hardworking Americans, particularly those in the manufacturing sector.

A steady supply of helium is absolutely essential in manufacturing items such as MRI scanners, computer chips, and fiber optic cables. We need to make sure that we can continue in those pursuits.

Also, it is important to many refiners, like in my district Air Products and Chemicals, in Ms. ESTY's district Praxair, Linde and others, who are also very much involved with making sure this helium gets to the marketplace and to the end users.

Today's action will ensure that these advanced and high-tech manufacturers will not lose access to over one-third of the global supply of helium at a time when a helium shortage is already in place.

Again, I want to say thanks to everybody involved—Mr. HOLT and Mr. HASTINGS—for their patience for listening and for coming up with a very good solution to a very important problem.

Mr. HOLT. Let me ask the chairman if he has additional speakers.

Mr. HASTINGS of Washington. I am prepared to close if the gentleman is prepared to close.

Mr. HOLT. Then I will close with a few remarks, again, with thanks to the chairman; and I yield myself such time as I may consume.

Mr. Speaker, I just want to stress how important the operation of the Federal Helium Reserve has been to science, to technology, to manufacturing, to health care in the United States.

Three-quarters of a century ago, farsighted legislators began stockpiling helium thinking it might be used for dirigibles and blimps lighter than aircraft. They didn't know what else it would be used for, but they recognized and understood that helium had some very special properties.

Additionally, the Federal Helium Reserve—the country's domestic stockpile of helium—has been a good investment for taxpayers. Helium is without a doubt a rare valuable resource, critical to our economic and national security. Because of decisions by Congress in past years, we are now in a position where failure to act in the next 5 days will result in nearly half of America's helium supply being cut off, creating a crisis in health care, in research, in manufacturing, and in many other areas.

Here we have an example of where Congress was farsighted and then subsequently shortsighted. Today, I think we are taking wise steps to remedy the situation.

It's important that as we make the decisions and the changes that we make with this legislation, that we don't fail to recognize the possible future uses, many perhaps not envisioned, and a possible failure of the market to provide an adequate supply of helium to meet those demands.

I know there is an ideology that's prevalent around here that for any commodity, for any human need the market will provide. In fact, it doesn't always. In this case, in the helium over the decades, it would not have had it not been for the Federal reserve.

So it is important today that as we are passing this legislation, we remember that it does require within 2 years the development of a long-term helium strategy to secure access to helium and to minimize disruption of a helium supply once the current reserve is shut down.

The Federal Helium Reserve over the life of this bill will generate over \$300 million for American taxpayers. Now, Mr. Speaker, the definition of a good investment is something that returns considerably more than you put into it. The helium reserve has been a good investment for this country; and, frankly, the Federal Government should be looking for more opportunities to make such investments.

If in a few years' time we realize that a Federal Helium Reserve is necessary to secure a long-term domestic supply of helium, then I hope we can work to-

gether in the same cooperative manner that we worked on this to make the farsighted investments that legislators made many decades ago to establish a Federal Helium Reserve.

I thank my colleagues on the committee, especially my friend from Washington State, Chairman HASTINGS, for his work on this bipartisan solution. I encourage my colleagues here and in the other body to get this to the President for his signature quickly.

I urge adoption, and I yield back the balance of my time.

□ 1815

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Speaker, virtually all of my colleagues have expressed gratitude for this bipartisan-bicameral effort, and I want to add my words to that also.

I particularly want to thank two members of the House Natural Resources staff—Tim Charters and Amanda Tharpe—because they worked diligently on this, especially this last week in getting the final language together.

It's not often that you get to thank one person who now has served in both bodies, but former Ranking Member ED MARKEY was a cosponsor originally of H.R. 527. Senator MARKEY has now been a big advocate over in the Senate, and I want to thank him and his staff.

I particularly want to thank again Senator WYDEN and Senator MURKOWSKI and their staffs because we recognized earlier on that this had to be done before a date certain.

Obviously, as we've said many times on this floor, there are differences between the two bodies in how they approach different issues—and that was certainly true with this one—but we knew we had to get this done, so we have a piece now that, I think, both sides and both Houses can agree on.

With that, Mr. Speaker, I urge the adoption of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and agree to the resolution, H. Res. 354.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

INTERSTATE LAND SALES FULL DISCLOSURE ACT AMENDMENT

Mr. MCHENRY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2600) to amend the Interstate Land Sales Full Disclosure Act to clarify how the Act applies to condominiums.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 2600

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

SECTION 1. EXEMPTION FOR RESIDENTIAL CONDOMINIUM UNITS.

(a) EXEMPTION.—Section 1403 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1702) is amended—

(1) in subsection (b)—

(A) in paragraph (7)(C), by striking “or” at the end;

(B) in paragraph (8)(G), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(9) the sale or lease of a condominium unit that is not exempt under subsection (a).”;

(2) by adding at the end the following:

“(d) For purposes of subsection (b), the term ‘condominium unit’ means a unit of residential or commercial property to be designated for separate ownership pursuant to a condominium plan or declaration provided that upon conveyance—

“(1) the owner of such unit will have sole ownership of the unit and an undivided interest in the common elements appurtenant to the unit; and

“(2) the unit will be an improved lot.”.

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. MCHENRY) and the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to submit extraneous material for the RECORD on H.R. 2600, currently under consideration.

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

There was no objection.

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

I want to begin by commending my colleague Congresswoman CAROLYN MALONEY of New York for introducing H.R. 2600 in an effort to clarify the intent and purpose of the Interstate Land Sales Full Disclosure Act, or ILSA.

ILSA was signed into law almost a half century ago to regulate fast-buck operators, who were bilking investors, especially the elderly, through blatantly fraudulent sales of raw land often located in swamps and deserts.

It was land sales, not condo units, which were the intended target of the ILSA disclosures, which is quite evident in the fact that the required disclosures relate to land issues, such as access to roads and water supply, and make no sense in the context of more urban vertical developments. Nevertheless, in the 1980s, the Federal courts started to apply ILSA to vertical condominiums based on HUD’s broad in-

terpretation and Congress’ failure to expressly exempt condominiums.

The fact is that purchasers of vertical condominium units do not need the additional disclosures of that act. To the extent that any of the act’s disclosures relate to condo developments, they are generally duplicative of more extensive information already contained in State-mandated disclosures to purchasers.

The private use of ILSA was practically nonexistent for 40 years, until 2008, when the real estate market crashed and purchasers’ lawyers started looking for ways to escape pre-crash contracts. As the recession continued, plaintiffs’ lawyers began seeking out purchaser clients to file lawsuits under that act, demanding the full rescission of contracts with such Web sites as “No-Condo.com.”

Courts generally acknowledge that ILSA has become “an increasingly popular means of channeling buyer’s remorse”; but while courts have expressed sympathy for the developers’ position, many courts have felt compelled to apply the language of the statute literally, allowing buyers to escape valid contracts.

Therefore, I stand in strong support of H.R. 2600, which puts an end to the exploitation of ILSA and allows residential condominium sales to make a return to the marketplace. I want to urge my colleagues to support this bill.

I want to, once again, commend my colleague on the Financial Services Committee both for her great legislative work and her thoughtfulness in crafting this legislation.

I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague from the Financial Services Committee, Mr. MCHENRY. This is one of many bills that we have worked together on in a bipartisan way.

The Interstate Land Sales Full Disclosure Act, known as ILSA, was enacted in 1969 to protect consumers from being cheated in land deals. It was originally intended to protect out-of-State buyers who were sold land that was not what it was advertised to be and to provide a right of action to rescind the contract and walk away from the deal. However, due to ambiguities in the original law, courts have ruled over the years that ILSA applies to condominiums and that developers are required to file redundant paperwork and make disclosures that are completely nonsensical when applied to condo units.

This has led to absurd results. For example, ILSA requires condo developers to file a report that discloses, among other things, information about the condo unit’s topography, how much of the condo is covered by water, whether there is any soil erosion, and whether the condominium has any oil and gas rights.

I, for one, don’t know of any high-rise condo units that are covered by

water. Requiring condo developers to file these types of nonsensical disclosures provides no consumer protection whatsoever and simply generates unnecessary paperwork.

Unfortunately, during the economic downturn in 2008, some buyers used the recording requirements of ILSA to rescind otherwise valid contracts for economic reasons, an unintended consequence of the act and its intent. The law now needs a technical fix to distinguish condominium sales from other types of land sales and to recognize the unique conditions under which these units are sold in today’s market.

As the author of the Credit Cardholders’ Bill of Rights, I am a strong supporter of consumer protections. I fully support the consumer protections that were enacted through ILSA, and this proposed legislation does nothing to affect those consumer protections; but I also believe that we need to make distinctions for condos in order to allow the condominium development industry to rebound from the recession. The bill would only exempt condos from ILSA’s registration requirements. It will maintain the consumer protections which ensure that consumers still have the right to rescind contracts in cases of actual fraud. Developers would, of course, still be required to comply with State laws that require specific disclosures.

As we recover in this still very fragile economy, we want to encourage, not discourage, buyers and sellers to enter into real estate deals responsibly. That is why this bill is important—to ensure development and the return of an important industry in our country, that of residential condominium sales.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. MCHENRY. We are prepared to close, and I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield 5 minutes to my distinguished colleague from the great State of New York, JERRY NADLER.

Mr. NADLER. Thank you to my colleague from New York (Mrs. MALONEY) for bringing this important issue to the floor today and for yielding me the time.

Mr. Speaker, I rise in support of H.R. 2600, a commonsense clarification to the Interstate Land Sales Full Disclosure Act, ILSA, to preserve consumer protections while keeping our economic recovery on track.

More than 40 years ago, Congress passed ILSA to prevent real estate developers from bilking unsuspecting buyers out of their life savings by selling them parcels of land in the middle of a swamp or of a desert. ILSA requires sellers to disclose critical information about the land being sold, including automobile access to the property, the availability of water on a lot, and access for emergency personnel. These disclosure requirements are

clearly necessary and appropriate for individuals who are buying land sight unseen.

They do not make sense, however, when you try to apply them to purchases of condominiums in urban high-rise developments. Clearly, a condo in downtown Manhattan or in downtown Dallas will have access to water and emergency services, and purchasers do not need to know about the risk of soil erosion or about the presence of mobile homes within their units on the 15th floor.

Although common sense would dictate otherwise, courts have interpreted the vague statutory and regulatory language of ILSA to apply to condo purchases. While that interpretation has been disputed and discussed over the years, ILSA was rarely an issue in private condo sales until the economy collapsed in 2008; and as mentioned by Mrs. MALONEY, in facing tough financial times and underwater mortgages, many condo and co-op buyers began to use a developer's failure to comply with ILSA to void otherwise valid contracts for condo purchases and receive full refunds of their pre-cash down payments. These suits slowed the housing recovery and left many large developments in New York, Florida, and in other States unfinished or unoccupied.

We can all agree that ILSA provides vital consumer protections for land purchasers, but the law should not be used to void valid contracts because of buyer's remorse. The bill before us today provides a simple clarification to explicitly exempt condominium sales from the law's disclosure requirements. To ensure that ILSA continues to provide the highest level of consumer protection, condominium developers will still be required to comply with the law's antifraud provisions. Developers will also be required to continue complying with all State and local disclosure requirements for condominiums.

This bill, Mr. Speaker, is an easy fix to ensure that developers continue to comply with strict reporting requirements, that purchasers have the information they need to make informed decisions, and that our economic recovery remains on track.

I congratulate Mrs. MALONEY for bringing this bill to the floor, and I urge my colleagues to vote in favor of it.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

SUPPORT H.R. 2600, THE INTERSTATE LAND SALES DISCLOSURE ACT UPDATE OF 2013

DEAR COLLEAGUE: The Interstate Land Sales Disclosure Act was enacted in 1969 to protect out-of-state buyers who were sold raw, undeveloped land that was not what was advertised, and provides a right of action to rescind the contract and walk away from the deal.

Senator Harrison Williams, who introduced the original bill, noted that the land sales that ILSA was intended to address were sales of "swamps, deserts, high arid plateaus, mountains, remote valleys, and—in some

cases—actual jungles or lava beds outside the continental United States."

However, due to ambiguity in the statute, courts have ruled over the years that ILSA applies to condominiums, and developers are now required to make redundant disclosures that make no sense whatsoever when applied to condo units. For example, ILSA requires developers to disclose whether there is any soil erosion in the condo, whether the condo unit is covered by water, and information about the condo unit's oil, gas, and mineral rights.

During the economic downturn, some buyers have used ILSA to rescind otherwise valid contracts for economic reasons—an entirely unintended consequence of the law and its intent. The law now needs a technical fix to distinguish condominium sales from other types of land sales and to recognize the unique conditions under which these units are sold in today's market.

H.R. 2600 explicitly exempts condominiums from ILSA's registration requirements, but maintains ILSA's consumer protections by ensuring that condominiums are still subject to the statute's anti-fraud provisions. In addition, developers would still be required to comply with all of the normal state- and local-level disclosure requirements that apply to condo sales.

As we recover in this still fragile economy, we want to encourage, not discourage, buyers and sellers to enter into real estate deals responsibly. For these reasons, we hope that you will join us in voting for H.R. 2600 later today.

Sincerely,

CAROLYN B. MALONEY,
Member of Congress.
JERROLD NADLER,
Member of Congress.

Mr. MCHENRY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCHENRY) that the House suspend the rules and pass the bill, H.R. 2600.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCHENRY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1961, by the yeas and nays;

H. Res. 354, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

FIRE-RETARDANT MATERIALS EXEMPTION EXTENSION

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to suspend the rules and pass the bill (H.R. 1961) to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 280, nays 89, not voting 63, as follows:

[Roll No. 484]

YEAS—280

Aderholt	Engel	Loebsack
Alexander	Enyart	Long
Amodei	Farenthold	Lowe
Bachmann	Fincher	Lucas
Bachus	Fitzpatrick	Luetkemeyer
Barber	Fleischmann	Lujan Grisham
Barletta	Fleming	(NM)
Barr	Flores	Lujan, Ben Ray
Barton	Forbes	(NM)
Bass	Fortenberry	Lummis
Beatty	Fox	Lynch
Benishek	Frelinghuysen	Maffei
Bentivolio	Fudge	Maloney, Sean
Bilirakis	Gabbard	Marino
Bishop (GA)	Gallego	Massie
Bishop (NY)	Garcia	McCarthy (CA)
Bishop (UT)	Gardner	McCaul
Black	Garrett	McClintock
Blackburn	Gerlach	McCollum
Boustany	Gibbs	McDermott
Brady (PA)	Gibson	McHenry
Brady (TX)	Gohmert	McKeon
Braley (IA)	Goodlatte	McKinley
Bridenstine	Granger	McMorris
Brooks (AL)	Graves (GA)	Rodgers
Brooks (IN)	Graves (MO)	Meadows
Brown (FL)	Green, Al	Meehan
Brownley (CA)	Griffin (AR)	Messer
Bucshon	Griffith (VA)	Mica
Burgess	Guthrie	Michaud
Bustos	Hanabusa	Miller (FL)
Butterfield	Hanna	Miller, Gary
Calvert	Harper	Moran
Camp	Hartzler	Mullin
Cantor	Hastings (FL)	Murphy (PA)
Capito	Hastings (WA)	Neugebauer
Cárdenas	Heck (NV)	Noem
Carson (IN)	Hensarling	Nolan
Cartwright	Hinojosa	Nugent
Castor (FL)	Holding	Nunes
Chabot	Horsford	Nuneele
Chaffetz	Hudson	Olson
Clarke	Huizenga (MI)	Owens
Clay	Hunter	Palazzo
Cleaver	Hurt	Paulsen
Clyburn	Jackson Lee	Payne
Coble	Jenkins	Pearce
Coffman	Johnson (GA)	Perry
Cohen	Johnson (OH)	Peters (MI)
Cole	Johnson, E. B.	Peterson
Collins (GA)	Johnson, Sam	Petri
Collins (NY)	Jones	Pittenger
Conaway	Joyce	Pitts
Connolly	Kaptur	Poe (TX)
Conyers	Kelly (IL)	Pompeo
Cook	Kelly (PA)	Posey
Cramer	Kilmer	Price (GA)
Crawford	King (IA)	Price (NC)
Crenshaw	King (NY)	Rahall
Cuellar	Kinzinger (IL)	Reed
Culberson	Kirkpatrick	Reichert
Daines	Kline	Renacci
Davis, Danny	Kuster	Ribble
Davis, Rodney	Labrador	Rigell
Denham	LaMalfa	Roe (TN)
Dent	Lamborn	Rogers (AL)
DeSantis	Lance	Rogers (KY)
DesJarlais	Lankford	Rogers (MI)
Diaz-Balart	Larsen (WA)	Rokita
Duckworth	Latham	Rooney
Duffy	Latta	Roskam
Duncan (SC)	Lee (CA)	Ross
Duncan (TN)	Lewis	Rothfus
Ellmers	LoBiondo	Royce