for this purpose in the past. The competition for these funds is intense, and infrastructure projects generally receive preference over building code enforcement. States and local jurisdictions fund local building code enforcement departments without Federal assistance.

The legislation offered by Mr. MOORE requires the Secretary of HUD to award grants on a competitive basis and with Federal matching funds to qualified local building code enforcement departments. The grants can be used to increase staffing, provide staff training, increase staff competence and professional qualifications, support individual certification or departmental accreditation, or for capital expenditures specifically dedicated to department administration.

Both State and local governments that have responsibilities for administering laws and regulations addressing building safety and fire prevention would be eligible for Community Building Code Administration Grants. The bill authorizes $100 million over 5 years. Any grants awarded under this bill would be capped at $1 million.

I would like to note that HUD has expressed some reservations regarding this legislation because currently CDBG funds can be used for this exact same purpose. The Department has concerns whether or not it is necessary to dedicate another $100 million for this purpose when it is already an eligible activity under CDBG.

I would like to thank Mr. MOORE for offering this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 4461 to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program. I would first like to thank my distinguished colleague, Representative DENNIS MOORE of Kansas, for introducing this important legislation. This legislation will provide grants to qualified local building code enforcement departments to increase in the quality and availability of service provided by the departments. These grants will be provided by the Secretary of Housing and Urban Development on a competitive basis provided that the potential grantees can demonstrate need and develop plans for the use of the funds, local governmental actions, public outreach, and enforcement.

In disasters all around the country, studies have shown that a significant portion of the damages could have been prevented by rigorous enforcement of building codes. In studies of the damaged caused by Hurricane Andrew in 1992, researchers found that a quarter of the storm's damages could be attributed to a combination of shoddy workmanship and a lack of enforcement of the building code. The California Seismic Safety Commission's investigation into the damage caused during the 1995 Northridge earthquake in southern California found that much of the damage could have been avoided if building codes had been enforced. We cannot allow the same tragedies to occur time and again. About 2 million homes are at risk from coastal storms, 10 million from flooding, 25 million from wind hazards, and 50 million from earthquakes. So much of the damage caused by these disasters is preventable; we just have to provide resources to local authorities to take the appropriate steps.

By passing this bill, we are sending a message that this is not right. It is not right that a home or a school full of children is destroyed because builders used inferior concrete to save money. We cannot afford to be lax when the safety of all American citizens is at stake. The injury or death of a single person in a preventable accident cannot be tolerated.

In this bill, the funds granted to local building code enforcement administrations would be used to increase staffing, provide staff training, increase staff competence and professional qualifications, support individual certification or departmental accreditation, or for capital expenditures specifically dedicated to the administration of the local building code enforcement department. We can ensure through the screening process that the funds go to communities that both need them and have plans to use them. Departments that receive funds under this program will be required to match a certain percentage based on population unless the department can show significant economic distress in the area they serve. Furthermore, this bill increases the departments' accountability. Grant recipients are obligated to fully account and report for the use of all grants funds and provide a report to the Secretary of Housing and Urban Development on the effectiveness of the program.

This bill will serve to increase the safety of all Americans and the confidence they have in the structure of the buildings they use everyday, from their place of employment to the schools where their children learn to the homes they sleep in at night. By spending now, we will reap the benefits for years to come.

Mrs. CAPITO. I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 4461, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ASSET MANAGEMENT IMPROVEMENT ACT OF 2008

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6216) to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6216

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Asset Management Improvement Act of 2008''.

SEC. 2. REVISIONS TO ASSET MANAGEMENT RULES AND RELATED FEES.

(a) MANAGEMENT AND RELATED FEES.—The Secretary of Housing and Urban Development shall not impose any restriction or limitation on the amount of management and related fees with respect to a public housing project if the fee is determined to be reasonable by the public housing agency, unless such restriction or limitation imposed by the Secretary on such fees—

(1) is determined pursuant to a negotiated rulemaking which is convened by the Secretary no earlier than April 1, 2009, and in accordance with subchapter III of chapter 5 of title 5, United States Code, with representatives from interested parties; and

(2) is effective only on or after January 1, 2011.

The Secretary may not consider a public housing agency as failing to comply with the asset management requirements of subpart H of part 990 of title 24 of the Code of Federal Regulations, or any successor or amended regulation containing asset management requirements, or determine that an agency fails to comply with such requirements, because of or as a result of the agency determining its fees in accordance with this subsection.

(b) INCREASE OF THRESHOLD FOR EXEMPTION FROM ASSET MANAGEMENT REQUIREMENTS.—

(1) INCREASE.—Any public housing agency that owns or operates fewer than 500 public housing units under title I of the United States Housing Act of 1937 may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development.

(2) DETERMINATION OF OPERATING FUND ALLOCATION.—If a public housing agency elects pursuant to paragraph (1) to be exempt from asset management requirements, the agency may, at its option, retain the same number of separate public housing projects, for purposes of determining its operating fund allocation, as the agency had identified and the Secretary of Housing and Urban Development had approved before the agency's election to be so exempt.

SEC. 3. PROHIBITION ON RESTRICTION OF FUNGIBILITY OF CAPITAL FUND AMOUNTS.

The Secretary of Housing and Urban Development shall not impose any requirement, regulation, or guideline relating to asset management that restricts or limits in any way the use by public housing agencies of amounts for Capital Fund assistance under section 9(d) of such Act, pursuant to paragraph (1) or (2) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)), for costs of any central office of a public housing agency.

SEC. 4. TENANT PARTICIPATION.

(a) RULE OF CONSTRUCTION.—Neither the requirements of this Act, nor any other requirement, regulation, guideline, or other policy or action of the Department of Housing and Urban Development relating to public housing asset management may be construed to repeal or waive any provision of part 964 of title 24 of the Code of Federal Regulations, regarding tenant participation and tenant opportunities in public housing. The Secretary of Housing and Urban Development shall ensure that public housing agencies encourage the reasonable efforts of resident tenant organizations to represent their members or the reasonable efforts of tenants to organize.

(b) PHAS IN RECEIVERSHIP.—In the case of any public housing agency in receivership, the Secretary of Housing and Urban Development or any receiver may not abrogate, waive, repeal, or modify any provision of part 964 of title 24 of the Code of Federal Regulations or any provision of a formalized housing agreement entered into pursuant to such part 964 (including pursuant to section 964.11, 964.14, 964.18(a)(6), or

964.135 of such part) before the commencement of such receivership by a resident or tenant organization and the public housing agency.

(c) GUIDANCE.—Guidance issued by the Secretary of Housing and Urban Development shall encourage participation by residents in the implementation of asset management and the development of local policies for such purposes.

SEC. 5. INELIGIBILITY OF ILLEGAL IMMIGRANTS FOR ASSISTANCE.

Immigrants who are not lawfully present in the United States shall be ineligible for financial assistance under this Act, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this Act shall be construed to alter the restrictions or definitions in such section 214.

SEC. 6. ADMINISTRATIVE PROVISIONS.

(a) PROHIBITION OF MANAGEMENT FEES FOR AGREEMENTS PROHIBITING OR REQUIRING REGISTRATION OF LEGAL FIREARMS.—The Secretary of Housing and Urban Development shall not accept as reasonable any management or related fees for enforcing any provision of a dwelling lease agreement or other similar agreement that requires the registration of or prohibits the possession of any firearm that is possessed by an individual for his or her personal protection or for sport the possession of which is not prohibited, or the registration of which is not required, by existing law.

(b) TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL USE OF FIREARM IN FEDERALLY ASSISTED HOUSING.—Section 577 of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13662) is amended—

(1) in the section heading—

*(A) by striking "**AND**" the second place it appears and inserting a comma; and*

*(B) by inserting "**, AND FIREARMS USERS**" after "**ABUSERS**"; and*

(2) in subsection (a)—

(A) in paragraph (1), by striking "or" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; or"; and

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

"(3) who the public housing agency or owner determines is illegally using a firearm, or whose illegal use of a firearm is determined by the public housing authority or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a bill that came to the House earlier under a rule and had proceeded without any significant controversy to the point of a recommital motion. The recommital motion offered was one this bill deals with, the relationship between smaller public housing authorities in particular, and HUD, and tries to give them more flexibility. It's widely supported and requested of us, indeed, by many of the housing authorities that are in our districts.

The recommital motion involved the right to own weapons and said that no authority could restrict the right to own weapons beyond what State or city applicable law provided. That was somewhat controversial and led to a decision to withdraw the bill.

It was then back in committee, and in committee we adopted the substance—we in fact adopted the recommital motion. There were a couple of refinements that were broadly agreed to, making it clear that nothing would protect anybody who illegally used a weapon. And that was broadly supported.

We also made a couple of other small changes. Our colleague from Florida (Mr. MEEK) noted that he has a housing authority in his district that is in receivership. He wanted to make it explicit that the rights the tenants have in general do not get lost in receivership. That was unanimously agreed to.

We also adopted language that is responsive to the will of the House, making it clear that people who are in this country illegally would not be able to benefit under this program.

With that, we are back to where we were originally. The bill had not been controversial, although it had been worked out in committee, and I appreciate the cooperation of my colleague from West Virginia, the gentlewoman, who was the ranking member of the Housing Subcommittee.

So we have now a bill that we believe represents the will of the House. There were some members, particularly on our side, who weren't happy with the recommital motion, but it was clear what the will of the body would be. We did not feel we wanted to interfere with an important piece of legislation.

Among those who have asked us to do this is the National Association of Housing and Redevelopment Officials, the Council of Large Public Housing Authorities, and the Public Housing Authorities Directors Association.

This also, by the way, allows capital funds to be used for operating expenses in the appropriate circumstances, which we took from a previously done appropriations bill.

So it is a bill that improves the management of public housing. It incorporates the concerns that have been raised. I hope it is adopted.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise today in support of H.R. 6216, the Asset Management Improvement Act, authored by the gentleman from New Jersey (Mr. SIRES). There is general agreement that we need to work with our public housing authorities to improve and refine their asset management policies. The Quality Housing and Work Responsibility Act, which was passed by Congress in 1998, included a requirement for a negotiated rulemaking to develop a new public housing operating fund formula.

Rulemaking concluded in 2004, after a 3-year, $4 million Operating Cost Study was conducted, and in 2005, HUD issued the Public Housing Operating Fund Final Rule. HUD has agreed to delay the implementation, in an effort to give PHAs additional time to comply with the negotiated rule. This legislation will make further changes to that rule. It is my hope that all parties can continue to work together to make further improvements.

The base text of the legislation requires HUD and public housing agencies to negotiate, after April 1, 2009, reasonable property and asset management fees with interested stakeholders. The fees would then be implemented January 1, 2011.

The legislation increases, as the chairman said, the number of units public housing agencies can manage to 500, from 250, before they are required to manage their housing portfolios by the new asset management system. It also states that the bill's provisions, including those relating to public housing asset management, do not affect in any way current law regarding tenant participation and tenant opportunities in public housing.

As the chairman noted, we have been here before considering similar legislation. Unfortunately, that legislation was pulled from consideration during the motion to recommit that would have preserved the right of law-abiding citizens to own a firearm. I am pleased the authors of this new version included this important provision.

In addition, the authors have included the text of the manager's amendment, as well as the Meek amendment, in this new draft. The manager's amendment included language blocking illegal immigrants from eligibility and ensuring that certain agencies that apply to HUD for stop-loss do not have their applications rejected on the basis that the management and related fees they establish pursuant to the bill's provisions are not reasonable as defined by HUD. The Meek amendment provides that the tenant organization protections set forth in HUD's regulations apply to public housing agencies that are placed in receivership by HUD.

I would like to thank Mr. SIRES for offering this legislation.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, the author of the bill, as the gentlewoman has noted, is our colleague, Mr. SIRES from New Jersey, who represents a district in northern New Jersey where public housing is an important part of the makeup of the area. He was, at the time of this, a member of the Financial Services Committee, and a valuable member, and his interest in housing matters obviously continues. So we were very glad to be able to follow his lead.

I yield 5 minutes to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Thank you, Mr. Chairman.

I am very happy to be here today discussing my bill to help public housing authorities across the Nation. Let me start by thanking Chairman BARNEY FRANK for his support on this bill and his leadership in the Financial Service Committee. Without his dedication to this issue, we would not be considering this bill today.

Let me start by explaining why I introduced this bill. Shortly after I was sworn in, I received a letter from the

Jersey City Housing Authority in my district. They told me they had to lay off 34 employees because of asset management. When I looked into this, I learned that Jersey City was not unique. Over 800 public housing authorities had their operating budgets cut because of the way asset management was implemented by the U.S. Department of Housing and Urban Development. At the same time, the Department limited the amount of flexibility given to public housing authorities to make ends meet. I knew something had to be done.

With the support of Chairman FRANK, Congressman MEEK, and others, I introduced H.R. 6216, the Asset Management Improvement Act of 2008. You will note that the title indicates that the bill improves asset management; it does not put an end to asset management. That is because I feel strongly that the goals of asset management are worthwhile.

By making public housing authorities run more efficiently, asset management has the potential to improve the lives of all those who live in public housing in this country.

My bill simply makes four improvements to the asset management rule and it alters the management of public housing in other aspects. First, it requires new negotiations to establish a reasonable management fee and allows public housing authorities to revert back to the old funding mechanism until final implementation of asset management on January 1, 2011. Congress has previously acted to require this, but HUD failed to act. This bill sets HUD straight.

Second, my bill reaffirms current law by allowing public housing authorities to transfer funds between their operating fund and their capital fund. This provision prevents the Department from prohibiting such transfers. This flexibility is vital to agencies, particularly since the housing program is underfunded. Housing authorities know best where they need funding, not Washington.

There is wide agreement on this provision. In fact, this provision was included in the Consolidated Appropriations Act for Fiscal Year 2008. That provision, however, is only valid for 1 year. My bill will make this change permanent.

Third, my bill decreases the exemption threshold from small to medium-sized public housing authorities. The Department recognized that small authorities with fewer than 250 units of housing would not benefit from the benefits of asset management, and so they are exempted. My bill simply raises this threshold to 500 units.

Again, there is little disagreement on raising the threshold. The Consolidated Appropriations Act for Fiscal Year 2008 raised the exemption threshold to 400. My bill goes a little further; to 500 units. The impact of this change would only affect 110 public housing authorities, some of whom may not opt out of asset management because they think it makes good sense. Even with this change, over two-thirds of all public housing units will still be covered by the asset management rules.

Third, my bill restates current law in terms of tenant participation. It simply says tenants should be allowed to participate in the decision affecting their homes. It prohibits the Department from altering tenant participation rights and it encourages public housing authorities to include tenants in discussions about asset management that directly affects their home.

The bill alters public housing management in a few other ways. First, it restates current law that undocumented immigrants are ineligible for public housing assistance. It includes language that Congresswoman BACHMANN brought to our attention on gun rules. In fact, we have incorporated her language into the bill.

Public housing authorities cannot require gun registration or prohibit gun ownership if local laws do not restrict ownership. Public housing authorities, as a whole, feel this is a reasonable requirement. Additionally, this bill allows public housing authorities to evict tenants who use an illegal weapon while on public housing property. This text was added by Representatives MALONEY and BOREN, recognizing that tenants do not have a right to use illegal weapons in public housing.

Together, these changes make several improvements to the management of public housing. It will improve the lives of all the residents.

□ 1330

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. FRANK of Massachusetts. I yield the gentleman an additional minute.

Mr. SIRES. Let me end with this: My office has taken calls from public housing authorities across the Nation. Small, large, urban and rural housing authorities support this bill, and I hope that Members will support this bill. Please make a difference for public housing residents and public housing authorities by easing their regulatory burden. Vote ''yes'' on H.R. 6216.

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

Mr. Speaker, I thank the gentleman from New Jersey and certainly support his bill, but I think it is appropriate when talking about trying to stretch our public housing dollars as much as we can to provide housing and safety and cover and a sense of community to many families, I think it brings to light what many families are thinking about right now, and that is the high price of gasoline, how are they getting to where they need to go, to get to a job, to pick up their children at school, to go to church, to go to the grocery store, all the things of daily living.

Many of our public housing situations don't have access to bus routes or any kind of mass transportation, so I think it is incumbent upon this Congress to address this very difficult issue, and I have put forward, as have many of my colleagues on both sides of the aisle, ways to address this, whether it is more drilling, whether it is coal-to-liquid, whether it is more renewables. But it is certainly not standing still. And as we try to move our dollars into the public housing arena to provide shelter and homes for many, many Americans across this country, I think it is important at the same time when people are figuring out how they are going to pay their rent, they realize how are they going to pay for their gas, how are they going to pay for their food.

So I would encourage as we look at housing issues today, we also look at the very important issue of energy in our homes and with our families.

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

Mr. FRANK of Massachusetts. I am about to close, Mr. Speaker. I did want to reassure my colleague from West Virginia, and I appreciate that she is doing her part by making clear that gasoline should be cheaper, it is a very important issue when we talk about financing public housing, I want to reassure her that nothing in this bill prohibits drilling for oil on public housing property. I know there is a lot of concern on the Republican side about that, so they should rest assured that they are okay.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon, following the precedent of the gentlewoman from West Virginia, who has already inserted very extraneous material in the debate on this bill.

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

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 6216, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HOMES FOR HEROES ACT OF 2007

Mr. AL GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3329) to provide housing assistance for very low-income veterans, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows: