

for Seniors and Families into the 21st Century Act. The Banking Committee sent a strong message regarding this bill by passing it unanimously on a voice vote, and I stand before you today to reiterate its merits.

As a Floridian, I cannot help but be acutely aware of the housing needs of senior citizens. Our warm weather attracts retirees to our state, and we appreciate them for both the contributions that they make to our economy and as well as to the substantial roles they play in our community. While medical innovations permit seniors to enjoy a higher quality of life, a wave of new retirees coupled with longer life-spans have led to a crisis in affordable housing for the elderly. By the year 2020, the GAO estimates that one in six Americans will be 65 years of age or older. In Florida, that ratio has been surpassed—18.5% of the population is already over 65 years old and that number is growing. More significantly, 11.2% of Florida's senior population live below poverty income levels, making affordable housing even more important to Floridians.

H.R. 202 addresses the needs of senior citizens by implementing several important measures. It allows for modernization of project financing and a streamlined refinancing program to encourage continued participation in housing projects—an extremely important goal in light of the number of expiring assistance contracts.

The bill also provides for greater flexibility in programs, such as creating mixed-income senior and disabled housing environments, and the conversion of senior housing projects to assisted living facilities that conform with an "aging in place" model. This model takes the approach that seniors in community housing may not wish to be able to move as they become older. Projects can be developed that follow the aging of its residents, instead of forcing them out as their needs change.

Mr. Speaker, again, I would like to draw my colleagues' attention to the bipartisan effort that went into H.R. 202, as well as the valuable contribution that H.R. 202 would make to the ability of our senior citizens across the nation to afford housing. I therefore strongly encourage a positive vote on the Preserving Housing for Seniors and Families into the 21st Century Act.

Mr. MARKEY. Mr. Speaker, I rise in strong support of H.R. 202 and urge its adoption.

Mr. Speaker, over the past year, I have been inundated with calls and letters from seniors living in Section 8 housing units where owners were prepaying their mortgages or opting out of their contract renewals thereby terminating their relationship with the Department of Housing and Urban Development (HUD), and leaving their senior tenants without any housing security.

Following a meeting in my district office with the Mayor of Waltham, Massachusetts, representatives of the Boston HUD office, and other local officials, I wrote the following letter to Secretary Cuomo, and a similar letter to the Director of the Office of Management and Budget Jack Lew, to explain the serious problems facing seniors in Waltham and elsewhere in my district and throughout the nation:

JANUARY 21, 1999.

Hon. ANDREW M. CUOMO,
Secretary, U.S. Department of Housing and
Urban Development, Washington, DC.

DEAR SECRETARY CUOMO: I am writing to ask that you give full attention and high pri-

ority to the issue of Section 8 Contract Renewals as you review and consult with the Office of Management and Budget (OMB) regarding the Administration's Fiscal Year 2000 Budget Proposal. While I would like to bring to your attention the specific situation confronting 258 seniors in my Congressional district currently housed at the Francis Cabot Lowell Mill (the "Mill") apartment complex in Waltham, Massachusetts, where a 20-year lease negotiated with the Department of Housing and Urban Development (HUD) is due to expire at the end of this year, I believe that the problems facing residents at the Mill will confront thousands of seniors across America as more of these long-term contracts expire. My office has already received dozens of letters and phone calls from Mill seniors who are frightened at the prospect of losing their housing.

I recently met in my district office with Mr. William F. Stanley, Mayor of Waltham, Massachusetts, Ms. Mary Lou Crane, HUD's Secretary's Representative for the Boston Region, Mr. Bob Kargman, representing the Mill owners, their various associates, and telephonically with Mr. Bill Apgar, Assistant Secretary for Policy Development and Research. The focus of the meeting was Public Law 105-65, Section 524(a)(1) which states in part "... the Secretary may use amounts available for the renewal of assistance under section 8 of the United States Housing Act of 1937, upon termination or expiration of a contract for assistance under section 8 . . . to provide assistance under section 8 of such Act at rent levels that do not exceed comparable market rents for the market area. The assistance shall be provided in accordance with terms and conditions prescribed by the Secretary."

Mr. Kargman informed the group that negotiations for a new lease contract had hit a snag over the issue of meeting fair market rent levels, and that residents were being informed that the Mill lease may not be renewed. Mayor Stanley expressed his concern that given the current housing stock in Waltham, it would be virtually impossible to keep all of the seniors currently living at the Mill in Waltham, thus doing tremendous damage to the spirit and continuity of the senior population in the city. Mr. Apgar indicated that HUD was empowered by law to more closely approximate comparable market rent levels in Waltham, but the money was not available and that discussions were under way between representatives from HUD and OMB.

As I understand it, the federal government has reaped the financial benefit of housing reform in renegotiating HUD leases in areas where market rents are below the national average—roughly in eighty percent of markets. But for the remaining twenty percent of markets, primarily markets on the coasts, market rents are higher than the national average. I believe that we have an obligation as policymakers to the seniors living in these higher rent areas, such as those in Waltham, as well as to the owners of the developments, who have kept faith with their tenants and the government, to renew their contract under the terms and conditions of Public Law 105-65.

I am hopeful that you will carefully examine this matter, and consult with the OMB Director Lew, in an effort to develop a plan to fully fund those contract renewals where comparable market rents exceed the national average.

I look forward to your response,

Sincerely,

EDWARD J. MARKEY.

Mr. Speaker, I want to commend my colleagues in both parties for bringing the House's attention to these important issues,

and for compiling a bill that encompasses many important reforms to give seniors housing security. I am pleased that the bill will specifically address the problems created by the booming rental economy in the greater Boston area—seniors in subsidized housing are getting squeezed.

Mr. Speaker, I am hopeful that the House will pass H.R. 202 today to bring much-needed reassurance to the seniors in my district and every Congressional District in the United States. Our seniors deserve no less.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 202, as amended.

The question was taken.

Mr. LAZIO. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 202.

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

There was no objection.

EXTENDING REENACTMENT OF CHAPTER 12 OF TITLE 11, UNITED STATES CODE

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2942) to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted, as amended.

The Clerk read as follows:

H.R. 2942

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

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105-277, as amended by Public Law 106-5, is amended—

(1) by striking "October 1, 1999" each place it appears and inserting "January 1, 2000"; and

(2) in subsection (a)—

(A) by striking "March 31, 1999" and inserting "September 30, 1999"; and

(B) by striking "April 1, 1999" and inserting "October 1, 1999".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, in 1986 the Congress passed a bankruptcy reform measure for that era which included the inclusion therein of a chapter 12 set of provisions specifically attuned to the needs of farms and farm communities where, when a financial crisis might occur to a farm family, the normal avenues of bankruptcy would be probably inadequate and unsuited to the needs of a family facing such financial distress on the farm.

Chapter 12 was created to meet those unique needs to allow the farming concept to continue while the financial problems in bankruptcy would be worked out. That chapter 12 was enacted for only 5 years, then it was extended in 1993, and we took it up to 1998. Then in the current cycle of our attempts at bankruptcy reform, this House with an overwhelming vote passed bankruptcy reform, I think it was 315 votes in favor of that reform, which reform included making permanent the benefits of chapter 12.

But because the other body has not yet acted on that legislation, we are faced with the end of that temporary extension that took us up to this juncture for chapter 12. We are here then today to ask that the House and the Congress approve a 3-month extension with the idea that perhaps the Senate will be working and passing the bankruptcy reform which will make this permanent, but in the meantime, we will have cured the problem for the moment.

In this effort, the gentleman from Michigan (Mr. SMITH) has played the important role of leading the effort to make sure that the Congress will not forget the promise that we made under the old chapter 12 so that we can keep this concept moving towards the final resolution of the overall problem.

□ 1730

He is to be commended for his persistence in this matter.

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

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

Mr. Speaker, I rise in somewhat reluctant support of H.R. 2942. This bill would extend Chapter 12 of the Bankruptcy Code for only 3 months. Under current law, this section of the Bankruptcy Code will expire on October 1. This bill will extend the section until January 1 of the year 2000.

Although I am hopeful that Congress will permanently extend this very

needed section of the Bankruptcy Code, I realize that this extension is needed now. The reason for my reluctance is that this bill was modified at the very last minute from 6 months to 3 months.

Six months would have allowed Congress the time to work out our differences on the larger bankruptcy overhaul bill in which Chapter 12 is permanently extended. Now, however, this bill has been amended to be only a 3-month extension. I think that is a little shortsighted. But, without this bill, Chapter 12 will expire by the end of this week, so I reluctantly support this bill.

Chapter 12 is similar to Chapter 11 and Chapter 13 of the Bankruptcy Code. Chapter 12 is the part of the Bankruptcy Code that is tailored to meet the unique economic realities of family farming, especially during times of severe economic crisis. With Chapter 12, Congress sought to create a chapter of the Bankruptcy Code that provided the framework to prevent family farms from going out of business completely.

At the time of its first enactment in 1986 during a severe farm crisis, Congress was unable to foresee whether Chapter 12 would be needed indefinitely by America's farmers. Congress has extended Chapter 12 now three times. Chapter 12 is the safety net of last resort for our farmers, and we must extend it and ultimately make it permanent.

The family farm is the backbone of the rural economy in Wisconsin and all over this Nation. Without Chapter 12, if economic crisis hits a family farm, that family has no choice but to liquidate the land, the equipment, the crops and the herd to pay off creditors. This means losing the farm, a supplier of food and a way of life.

When a family decides it can no longer afford to farm, many times that farm is lost forever to development and sprawl. With Chapter 12 in place, when an economic crisis hits America's farmers, a family's farmland and other farm-related resources cannot be seized by creditors. A bankruptcy judge for the Western District of Wisconsin notes that Chapter 12 has been used in his jurisdiction more than 50 times over the past year.

Obviously in this time of severe economic farm crisis, Chapter 12 is needed. Our farmers must have the assurance that if they must reorganize their farm to keep their farm, that they can do so. Chapter 12 must be there for them and for us to protect America's supply of food. It is in our country's best interest to protect family farms from foreclosure.

Mr. Speaker, family farmers in Wisconsin have been facing a tough time. If the dairy bill that this House passed last week becomes law, Wisconsin dairy farmers will continue to be at the same price disadvantage that they have been subject to for over 60 years. If dairy compacts are extended and expanded, my farmers will continue to

have to compete against artificially inflated prices in other regions of the country. In the past 6 years alone, Wisconsin has lost over 7,000 family farms.

I was successful in committee earlier this year in extending Chapter 12 until this period of time. I believe that it needs to be permanently extended. It is frustrating to me that we must come to the floor every few months to extend this important protection for farmers.

Individuals in this country and businesses in this country who must consider filing for bankruptcy under Chapters 7, 11 or 13 do not have to worry about whether that part of the Bankruptcy Code will still be there, because it is permanent. I believe we should do no less for our family farmers, and make Chapter 12 permanent. I believe farmers, like all of us, should be able to plan for their futures.

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

Mr. GEKAS. Mr. Speaker, it is appropriate at this time, given the spark that he has given to this legislation, to yield 4 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, the reason that the chairman, the gentleman from Pennsylvania (Mr. GEKAS), the gentlewoman from Wisconsin (Ms. BALDWIN), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from Mississippi (Mr. PICKERING) and the gentleman from California (Mr. CHAMBLISS) are cosponsoring this bill is because together we feel it is very important, especially at this time, with agriculture facing up to some very difficult challenges.

Mr. Speaker, American agriculture is in a serious situation right now. Times are tough in farm country. While the rest of the economy is booming, American farmers and ranchers have been left out. Commodity prices are at record lows, export markets are weak and no relief is expected any time soon. While the Farm Credit system is currently sound, there are many producers who just will not be able to make ends meet and are going to be forced into bankruptcy.

Bankruptcy filing by farmers has become too regular an occurrence. I visited last week with a hog producer from my district. He is the fourth generation on that farm, as smart as most any entrepreneur that I have known. Yet, because of prices, even with his business-like efforts to lay off workers, to increase his hours that he spends per week on that farm, he is still challenged as to whether he can survive on that farm. Again, fourth generation. That means his great-grandfather, his grandfather, his dad, all were able to preserve that farm, and now he is challenged, simply because we have a system of international competition that has resulted in the very low commodity prices.

Chapter 12 of title 11 of the Bankruptcy Code is only available, I would like to point out, to family farmers. Chapter 12 is now set to expire, as the

gentlewoman suggested, in three days, on September 30. H.R. 2942, as amended, will temporarily extend Chapter 12 for another 3 months so that this critical option for America's family farmers does not expire.

Mr. Speaker, Chapter 12 allows family farmers the option to reorganize debt rather than having to liquidate when declaring bankruptcy. The logic is that a farmer should not be forced to sell his tractor and his plow and his planter and his tools of production when he is reorganizing, trying to make sure that he is paying off those debts, because if we force him to sell those tools of production, then we have almost taken away any possible opportunity for him to reorganize and pay his debts.

I am very pleased that the gentleman from Pennsylvania (Chairman GEKAS) and this body is taking action on this legislation today. With three days to go before expiration, time is very short. Senator GRASSLEY and other Senators are aggressively pursuing this effort over in the Senate and moving ahead on this legislation.

I realize that many of us would prefer to see Chapter 12 extended permanently. I trust that as the general bankruptcy reform is debated, a permanent fix for Chapter 12 is going to be accomplished, because that is what is in the bill that the gentleman from Pennsylvania (Chairman GEKAS) and the committee and this body sent over to the Senate. This legislation is needed to assure producers that this risk management tool is available.

Again, I thank both sides of the aisle, both sides of the Capitol Building, and especially the chairman for moving ahead on this legislation.

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of H.R. 2942. I would also note my cosponsorship of this legislation and legislation introduced by several Members, including the distinguished gentleman from Michigan (Mr. SMITH), which would either extend or make permanent these Chapter 12 bankruptcy provisions. I thank the distinguished gentleman from Pennsylvania for expediting it, as well as the chairman and the ranking member of the full committee. I appreciate the supportive comments of the gentlewoman from Wisconsin.

Chapter 12 bankruptcy has been a necessary and responsible and viable option for family farmers nationwide. It has allowed family farmers to reorganize their assets in a manner which balances the interests of the creditors and the future success of the involved farmer.

If Chapter 12 bankruptcy provisions are not extended for family farmers, it

will have a drastic effect on the agricultural sector, already reeling from low commodity prices. Not only will many family farmers have to end their operations, but also land values will plunge downward. Such a decrease in land values will affect both the ability of the family farmer to earn a living and the manner in which banks making agricultural loans conduct their lending activities.

This gentleman represents a premier agriculture district, and, as a member of the Committee on Banking and Financial Services, I am concerned about those agricultural loans out there and their customers.

This is a very important piece of legislation. Like my colleagues, like the words expressed by the gentleman from Michigan, I would very much like to see this permanently extended. But the House passed this earlier, as the gentleman from Pennsylvania indicated, by actually 313 to 108, with my support. Unfortunately, the other body failed to act on the Bankruptcy Reform Act. Therefore, a 3 month extension is absolutely necessary for our family farmers and other small agri-business families.

Mr. Speaker, in closing I encourage my colleagues to support H.R. 2942, which provides a 3 month extension.

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

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 2942, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is enacted."

A motion to reconsider was laid on the table.

REAPPOINTMENT AS MEMBER OF LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore. Without objection and pursuant to section 1 of the act to create a Library of Congress Trust Fund Board (2 U.S.C. 154), amended by Section 1 of Public Law 102-246, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Library of Congress Trust Fund Board for a 5 year term:

Mr. Edwin L. Cox, Dallas, Texas.

There was no objection.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR TOTAL INDEPENDENCE OF ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-132)

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

To the Congress of the United States

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 27, 1999.

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report accompanying the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2605, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

Mr. PACKARD. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report to accompany the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the previous order of the House, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

□ 1745

Mr. SHUSTER. Mr. Speaker, this bill being called up without our having a chance to see it, I have no option but to oppose it and therefore demand the time in opposition.

The SPEAKER pro tempore (Mr. UPTON). Under a unanimous consent