HOUSE OF REPRESENTATIVES—*December 5, 2000*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 5, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 1 minute a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The prophet Isaiah had a vision that helped people to see through the darkening days of winter.

''In days to come, the mountain of the Lord's house shall be established as the highest mountain and raised above the hills. All nations shall stream toward it; many people shall come and say: 'Come, let us climb the Lord's mountain, to the house of the God of Jacob, that he may instruct us in his ways, and we may walk in his paths.' ''

Give direction, Lord God, to each step we take these days. Let us not be fearful of the heights; our eyes fixed on You. Free us to be led to Your dwelling place. Then we will be light to the world and an example to other nations.

By being truly present to one another and unafraid to address every need, we will establish true dialogue and soon find ourselves in a lasting house of justice and integrity where You live now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. MURTHA) come forward and lead the House in the Pledge of Allegiance.

Mr. MURTHA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

ALEXANDRE MALOFIENKO, OLGA MATSKO, AND VLADIMIR MALOFIENKO

The Clerk called the Senate bill (S. 199) for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

TO DO THE WORK OF THE PEOPLE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, as we prepare for the 107th Congress, I call upon my colleagues on the other side of the aisle to work with this Republican-led Congress to do the work of the people.

On November 7, the people of this country entrusted us with many responsibilities, including passing tax relief, implementing education reform, and ensuring quality and affordable health care for every American.

It is time that our hard-working families receive a break from the overwhelming tax burdens preventing many from saving for their child's education or even for their own retirement. It is time that our seniors be able to afford both food and medicine through a voluntary prescription drug benefit under Medicare. And it is time that our teachers and parents, not the Washington bureaucrats, are empowered to provide a quality education for America's children.

Working together, in a bipartisan fashion, we can accomplish these goals and many more.

It is my hope that my colleagues on the other side of the aisle will put political partisanship aside and join with me to do the work of the people.

CLINTON ADMINISTRATION HAS REINVENTED COMMUNISM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, America's trade deficit for September hit $35 billion for one month, $35 billion. America is heading for a $420 billion, 1-year trade deficit.

Unbelievable. If this continues, America will have a crash that will make 1929 look like a fender-bender.

What is even worse, China is now taking $100 billion of cash out of our economy, buying missiles, and pointing them at us.

Beam us up, all of us.

We must be stupid. Ronald Reagan almost destroyed Communism, and the Clinton administration has reinvented it, is now subsidizing it, and is now stabilizing it.

I yield back any common sense left and any patriotism left in this Congress.

AN ERA OF BIPARTISANSHIP

(Ms. ROS-LEHTINEN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, Republicans have returned fiscal responsibility and discipline to Washington. When House Republicans became a majority in 1994, there were deficits as far as the eye could see. Today, because House Republicans held the line on spending and reined in President Clinton and House Democrats, there is boundless prosperity. And because of this, America has reelected a House Republican majority for four consecutive elections.

It is now time to work together across party lines. The American public has a right to expect their elected officials to work together to address the people's business. The next Congress, America's 107th, will have a unique opportunity to do this, making a fresh start with a new President in the White House.

Mr. Speaker, even in this time of prosperity, our Nation faces real challenges. There are challenges I know that we can meet by working together. And I am confident that I speak for all the Members of the new Congress in pledging to put people ahead of politics.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 126) making further continuing appropriations for fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 126

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting ''December 7, 2000''.

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, December 4, 2000, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.J. Res. 126.

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

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the continuing resolution that we bring to the floor this morning is a 2-day extension to the current continuing resolution that will keep the remaining elements of the Government operating that have not yet had their regular appropriations bills enacted.

As our colleagues know, we really have only one appropriations bill that has not been concluded and most of the issues relative to not concluding that bill have been non-appropriations issues. They have been policy issues, legislative issues. Nevertheless, that bill is not completed.

There was a meeting at the White House yesterday between the bicameral leadership of the House and Senate, Republican and Democrat. We hope that that will produce some beneficial results. I believe that I speak for at least most of the Members of the House when I say that it is time to conclude the business of the 106th Congress, and it is time to begin preparation for the 107th Congress, which will convene in January. And the way to accomplish that is to conclude the business on this final appropriations bill.

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

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

Mr. Speaker, let me simply say hello to you and to my good friend, the gentleman from Florida (Mr. YOUNG).

Mr. Speaker, there is nothing very complicated about this resolution, but I think there is something very troubling that lies underneath it.

Up until yesterday, I had been fairly confident that the House, if it wished, could come to a conclusion on this year's appropriation bills and finish our work this week, our left-over work from the previous session.

I now am feeling much more pessimistic than I was, largely based upon conversations which took place at the White House last night and based upon newspaper accounts of people's comments after that meeting last night.

I was originally optimistic because I thought that, when we left, we had had very few differences that actually remained. They were largely focused on two appropriations bills, the Labor-Health bill and the State-Justice-Commerce bill.

On State-Justice there was the immigration controversy. And on the Labor-Health, the focus of objection to that bill, which was negotiated on a bipartisan basis and a bicameral basis, the principal objection that we heard when we came back was the language with respect to ergonomics. And that issue has now become moot because those regulations have been published.

So at this point, what I think we really face is the question of whether or not there is, as a price for getting our work done, we are going to be asked to in a major way pare back the level of appropriations for items such as education that are now contained in the Labor-Health education conference.

Mr. Speaker, we have the votes in both Houses for that Labor-Health and Education conference if the leadership will ever allow it to come to the floor. But so far, it is being prevented from coming to the floor by the leadership.

I would simply say that some may remember around here what happened over the past year. For the first 9 months of the year, it was apparent that the majority was intending to provide education numbers which were significantly below where those of us on this side of the aisle felt they ought to be. Then, with the putting together of the conference report of Labor-Health and Education in the closing days of the session before the election, everyone walked out of here and most people on both sides of the aisle campaigned for the funding levels that were provided in that bill.

Now, apparently after the election, we are seeing a reversion to form and once again we are being asked to make major reductions in education as a price for having a convenient end to the session.

I think that is a price that many of us are not going to want to pay. And that is why I am much more pessimistic that we will, in fact, get the work done that we should be able to get done this week.

I find it interesting that the majority party and Mr. Bush campaigned, at least rhetorically campaigned, as those folks who could best bring us together in a bipartisan fashion; and yet the very first thing that we are being asked to do since we have returned, the very first thing we are being asked to do by the House leadership is to in fact walk away from and scuttle a bill upon which agreement had been reached on a bipartisan basis.

I do not think that is a healthy way in which to conclude this session. I do not think that is a healthy way in which to begin our relationships for the coming session. But apparently that is the direction that the leadership is most comfortable with.

I regret that. And so I will happily support this 2-day continuing resolution in the waning hope that we will be able to reach agreement and get out of here at the end of those 2 days, but I do so with no illusions and no real expectations that the conditions are present for that kind of a bipartisan, early resolution of this session.

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

□ 1015

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time. I do so to point out that the other bills that were passed, sent to the White House and were vetoed have basically

been repaired and fixed. They are ready to move at a moment's notice and can be moved either separately or can be moved as part of an agreement on the Labor, Health and Human Services and Education Bill. I wanted to just make a brief point about that bill. That is the bill where we provide funding for medical research. We have made a commitment to double the investment in medical research over a 5-year period, and a substantial part of the increase in that bill goes to fulfill that commitment. Another very large part of the increase in that bill is money that we have approved for education, and the education amounts are actually greater than those requested by the budget that we received at the beginning of the year. So this is an important bill.

Our former colleague, Bill Natcher, use to come on the floor and make the comment that this is the people's bill, because the programs included in this bill deal with people. It is important that we do this job responsibly and not just pick a number out of the air and decide, well, that is a good number. That number should be based on what the real needs of the United States of America are today and will be in this coming fiscal year. It is essential that we approach that final deliberation with tremendous responsibility, but it is also essential that we get it done. To carry this over into the next year, into the next administration, into the next Congress, I think would be inexcusable. I would ask those Members who are interested to help us keep the momentum going, to get this bill completed and let us conclude the business of the 106th Congress.

Mr. Speaker, I would like to say a word of welcome back to all of those Members who are here for this lame duck session and my friend the gentleman from Wisconsin (Mr. OBEY). I look forward to our working together again during the next fiscal year.

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

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to the order of the House of Monday, December 4, 2000, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 378, nays 6, not voting 48, as follows:

[Roll No. 600]

YEAS—378

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Barton
Costello
Dingell
Paul
Stupak
Visclosky

NOT VOTING—48

Allen
Armey
Barrett (NE)
Bryant
Burton
Chenoweth-Hage
Coburn
Deal
DeFazio
Delahunt
DeLay
Dickey
Dixon
Dooley
Doolittle
Edwards
Gejdenson
Gekas
Goode
Gutknecht
Hill (MT)
Hoekstra
Hulshof
Jefferson
Johnson (CT)
Jones (NC)
Klink
Lantos
Lipinski
Lowey
McDermott
Miller (FL)
Moakley
Peterson (PA)
Pomeroy
Rothman
Ryan (WI)
Sessions
Spence
Stark
Talent
Towns
Vitter
Waters
Weldon (FL)
Weldon (PA)
Wexler
Woolsey

□ 1042

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote. I would have voted in favor of H.J. Res. 126 (rollcall No. 600).

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5640) to expand homeownership in the United States, and for other purposes.

The Clerk read as follows:

H.R. 5640

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

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Homeownership and Economic Opportunity Act of 2000''.

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

Sec. 1. Short title and table of contents.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Sec. 101. Short title.
Sec. 102. Grants for regulatory barrier removal strategies.
Sec. 103. Regulatory barriers clearinghouse.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

Sec. 201. Home equity conversion mortgages.
Sec. 202. Assistance for self-help housing providers.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Sec. 301. Downpayment assistance.
Sec. 302. Pilot program for homeownership assistance for disabled families.
Sec. 303. Funding for pilot programs.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

Sec. 401. Short title.
Sec. 402. Changes in amortization schedule.
Sec. 403. Deletion of ambiguous references to residential mortgages.
Sec. 404. Cancellation rights after cancellation date.
Sec. 405. Clarification of cancellation and termination issues and lender paid mortgage insurance disclosure requirements.
Sec. 406. Definitions.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

Sec. 501. Lands title report commission.
Sec. 502. Loan guarantees.
Sec. 503. Native American housing assistance.

Subtitle B—Native Hawaiian Housing

Sec. 511. Short title.
Sec. 512. Findings.
Sec. 513. Housing assistance.
Sec. 514. Loan guarantees.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

Sec. 601. Short title; references.
Sec. 602. Findings and purposes.
Sec. 603. Definitions.
Sec. 604. Federal manufactured home construction and safety standards.
Sec. 605. Abolishment of National Manufactured Home Advisory Council; manufactured home installation.
Sec. 606. Public information.
Sec. 607. Research, testing, development, and training.
Sec. 608. Prohibited acts.
Sec. 609. Fees.
Sec. 610. Dispute resolution.
Sec. 611. Elimination of annual reporting requirement.
Sec. 612. Effective date.
Sec. 613. Savings provisions.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

Sec. 701. Guarantees for refinancing of rural housing loans.
Sec. 702. Promissory note requirement under housing repair loan program.
Sec. 703. Limited partnership eligibility for farm labor housing loans.
Sec. 704. Project accounting records and practices.
Sec. 705. Definition of rural area.
Sec. 706. Operating assistance for migrant farmworkers projects.
Sec. 707. Multifamily rental housing loan guarantee program.
Sec. 708. Enforcement provisions.
Sec. 709. Amendments to title 18 of United States Code.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

Sec. 801. Short title.
Sec. 802. Regulations.
Sec. 803. Effective date.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

Sec. 811. Prepayment and refinancing.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

Sec. 821. Supportive housing for elderly persons.
Sec. 822. Supportive housing for persons with disabilities.
Sec. 823. Service coordinators and congregate services for elderly and disabled housing.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

PART 1—HOUSING FOR THE ELDERLY

Sec. 831. Eligibility of for-profit limited partnerships.
Sec. 832. Mixed funding sources.
Sec. 833. Authority to acquire structures.
Sec. 834. Use of project reserves.
Sec. 835. Commercial activities.

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

Sec. 841. Eligibility of for-profit limited partnerships.
Sec. 842. Mixed funding sources.
Sec. 843. Tenant-based assistance.
Sec. 844. Use of project reserves.
Sec. 845. Commercial activities.

PART 3—OTHER PROVISIONS

Sec. 851. Service coordinators.

Subtitle D—Preservation of Affordable Housing Stock

Sec. 861. Section 236 assistance.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

Sec. 901. Extension of loan term for manufactured home lots.
Sec. 902. Use of section 8 vouchers for opt-outs.
Sec. 903. Maximum payment standard for enhanced vouchers.
Sec. 904. Use of section 8 assistance by ''grand-families'' to rent dwelling units in assisted projects.

TITLE X—FEDERAL RESERVE BOARD PROVISIONS

Sec. 1001. Federal Reserve Board buildings.
Sec. 1002. Positions of Board of Governors of the Federal Reserve System on the Executive schedule.
Sec. 1003. Amendments to the Federal Reserve Act.

TITLE XI—BANKING AND HOUSING AGENCY REPORTS

Sec. 1101. Short title.
Sec. 1102. Preservation of certain reporting requirements.
Sec. 1103. Coordination of reporting requirements.
Sec. 1104. Elimination of certain reporting requirements.

TITLE XII—FINANCIAL REGULATORY RELIEF

Sec. 1200. Short title.

Subtitle A—Improving Monetary Policy and Financial Institution Management Practices

Sec. 1201. Repeal of savings association liquidity provision.
Sec. 1202. Noncontrolling investments by savings association holding companies.
Sec. 1203. Repeal of deposit broker notification and recordkeeping requirement.
Sec. 1204. Expedited procedures for certain reorganizations.
Sec. 1205. National bank directors.
Sec. 1206. Amendment to National Bank Consolidation and Merger Act.
Sec. 1207. Loans on or purchases by institutions of their own stock; affiliations.
Sec. 1208. Purchased mortgage servicing rights.

Subtitle B—Streamlining Activities of Institutions

Sec. 1211. Call report simplification.

Subtitle C—Streamlining Agency Actions

Sec. 1221. Elimination of duplicative disclosure of fair market value of assets and liabilities.
Sec. 1222. Payment of interest in receiverships with surplus funds.
Sec. 1223. Repeal of reporting requirement on differences in accounting standards.
Sec. 1224. Extension of time.

Subtitle D—Technical Corrections

Sec. 1231. Technical correction relating to deposit insurance funds.
Sec. 1232. Rules for continuation of deposit insurance for member banks converting charters.
Sec. 1233. Amendments to the Revised Statutes of the United States.
Sec. 1234. Conforming change to the International Banking Act of 1978.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

SEC. 101. SHORT TITLE.

This title may be cited as the ''Housing Affordability Barrier Removal Act of 2000''.

SEC. 102. GRANTS FOR REGULATORY BARRIER REMOVAL STRATEGIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(a)) is amended to read as follows:

''(a) FUNDING.—There is authorized to be appropriated for grants under subsections (b) and (c) such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.''.

(b) CONSOLIDATION OF STATE AND LOCAL GRANTS.—Subsection (b) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(b)) is amended—

(1) in the subsection heading, by striking ''STATE GRANTS'' and inserting ''GRANT AUTHORITY'';

(2) in the matter preceding paragraph (1), by inserting after ''States'' the following: ''and units of general local government (including consortia of such governments)'';

(3) in paragraph (3), by striking ''a State program to reduce State and local'' and inserting ''State, local, or regional programs to reduce'';

(4) in paragraph (4), by inserting ''or local'' after ''State''; and

(5) in paragraph (5), by striking ''State''.

(c) REPEAL OF LOCAL GRANTS PROVISION.—Section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c) is amended by striking subsection (c).

(d) APPLICATION AND SELECTION.—The last sentence of section 1204(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(e)) is amended—

(1) by striking ''and for the selection of units of general local government to receive grants under subsection (f)(2)''; and

(2) by inserting before the period at the end the following: ''and such criteria shall require that grant amounts be used in a manner consistent with the strategy contained in the comprehensive housing affordability strategy for the jurisdiction pursuant to section 105(b)(4) of the Cranston-Gonzalez National Affordable Housing Act''.

(e) SELECTION OF GRANTEES.—Subsection (f) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(f)) is amended to read as follows:

''(f) SELECTION OF GRANTEES.—To the extent amounts are made available to carry out this section, the Secretary shall provide grants on a competitive basis to eligible grantees based on the proposed uses of such amounts, as provided in applications under subsection (e).''.

(f) TECHNICAL AMENDMENTS.—Section 107(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(a)(1)) is amended—

(1) in subparagraph (G), by inserting ''and'' after the semicolon at the end;

(2) by striking subparagraph (H); and

(3) by redesignating subparagraph (I) as subparagraph (H).

SEC. 103. REGULATORY BARRIERS CLEARINGHOUSE.

Section 1205 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''receive, collect, process, and assemble'' and inserting ''serve as a national repository to receive, collect, process, assemble, and disseminate'';

(B) in paragraph (1)—

(i) by striking '', including'' and inserting ''(including''; and

(ii) by inserting before the semicolon at the end the following: ''), and the prevalence and effects on affordable housing of such laws, regulations, and policies'';

(C) in paragraph (2), by inserting before the semicolon the following: '', including particularly innovative or successful activities, strategies, and plans''; and

(D) in paragraph (3), by inserting before the period at the end the following: '', including particularly innovative or successful strategies, activities, and plans'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''and'' at the end;

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

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

''(3) by making available through a World Wide Web site of the Department, by electronic mail, or otherwise, provide to each housing agency of a unit of general local government that serves an area having a population greater than 100,000, an index of all State and local strategies and plans submitted under subsection (a) to the clearinghouse, which—

''(A) shall describe the types of barriers to affordable housing that the strategy or plan was designed to ameliorate or remove; and

''(B) shall, not later than 30 days after submission to the clearinghouse of any new strategy or plan, be updated to include the new strategy or plan submitted.''; and

(3) by adding at the end the following new subsections:

''(c) ORGANIZATION.—The clearinghouse under this section shall be established within the Office of Policy Development of the Department of Housing and Urban Development and shall be under the direction of the Assistant Secretary for Policy Development and Research.

''(d) TIMING.—The clearinghouse under this section (as amended by section 103 of the Housing Affordability Barrier Removal Act of 2000) shall be established and commence carrying out the functions of the clearinghouse under this section not later than 1 year after the date of the enactment of such Act. The Secretary of Housing and Urban Development may comply with the requirements under this section by reestablishing the clearinghouse that was originally established to comply with this section and updating and improving such clearinghouse to the extent necessary to comply with the requirements of this section as in effect pursuant to the enactment of such Act.''.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

SEC. 201. HOME EQUITY CONVERSION MORTGAGES.

(a) INSURANCE FOR MORTGAGES TO REFINANCE EXISTING HECMS.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(A) by redesignating subsection (k) as subsection (m); and

(B) by inserting after subsection (j) the following new subsection:

''(k) INSURANCE AUTHORITY FOR REFINANCINGS.—

''(1) IN GENERAL.—The Secretary may, upon application by a mortgagee, insure under this subsection any mortgage given to refinance an existing home equity conversion mortgage insured under this section.

''(2) ANTI-CHURNING DISCLOSURE.—The Secretary shall, by regulation, require that the mortgagee of a mortgage insured under this subsection, provide to the mortgagor, within an appropriate time period and in a manner established in such regulations, a good faith estimate of: (A) the total cost of the refinancing; and (B) the increase in the mortgagor's principal limit as measured by the estimated initial principal limit on the mortgage to be insured under this subsection less the current principal limit on the home equity conversion mortgage that is being refinanced and insured under this subsection.

''(3) WAIVER OF COUNSELING REQUIREMENT.—The mortgagor under a mortgage insured under this subsection may waive the applicability, with respect to such mortgage, of the requirements under subsection (d)(2)(B) (relating to third party counseling), but only if—

''(A) the mortgagor has received the disclosure required under paragraph (2);

''(B) the increase in the principal limit described in paragraph (2) exceeds the amount of the total cost of refinancing (as described in such paragraph) by an amount to be determined by the Secretary; and

''(C) the time between the closing of the original home equity conversion mortgage that is refinanced through the mortgage insured under this subsection and the application for a refinancing mortgage insured under this subsection does not exceed 5 years.

''(4) CREDIT FOR PREMIUMS PAID.—Notwithstanding section 203(c)(2)(A), the Secretary may reduce the amount of the single premium payment otherwise collected under such section at the time of the insurance of a mortgage refinanced and insured under this subsection. The amount of the single premium for mortgages refinanced under this subsection shall be determined by the Secretary based on the actuarial study required under paragraph (5).

''(5) ACTUARIAL STUDY.—Not later than 180 days after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall conduct an actuarial analysis to determine the adequacy of the insurance premiums collected under the program under this subsection with respect to—

''(A) a reduction in the single premium payment collected at the time of the insurance of a mortgage refinanced and insured under this subsection;

''(B) the establishment of a single national limit on the benefits of insurance under subsection (g) (relating to limitation on insurance authority); and

''(C) the combined effect of reduced insurance premiums and a single national limitation on insurance authority.

''(6) FEES.—The Secretary may establish a limit on the origination fee that may be charged to a mortgagor under a mortgage insured under this subsection, except that such limitation shall provide that the origination fee may be fully financed with the mortgage and shall include any fees paid to correspondent mortgagees approved by the Secretary.''.

(2) REGULATIONS.—The Secretary shall issue any final regulations necessary to implement the amendments made by paragraph (1) of this subsection, which shall take effect not later than the expiration of the 180-day period beginning on the date of the enactment of this Act. The regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

(b) HOUSING COOPERATIVES.—Section 255(b) of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (2), by striking ''mortgage',''; and

(2) by adding at the end the following new paragraphs:

''(4) MORTGAGE.—The term 'mortgage' means a first mortgage or first lien on real estate, in fee simple, on all stock allocated to a dwelling in a residential cooperative housing corporation, or on a leasehold—

''(A) under a lease for not less than 99 years that is renewable; or

''(B) under a lease having a period of not less than 10 years to run beyond the maturity date of the mortgage.

''(5) FIRST MORTGAGE.—The term 'first mortgage' means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate or all stock allocated to a dwelling unit in a residential cooperative housing corporation, under the laws of the State in which the real estate or dwelling unit is located, together with the credit instruments, if any, secured thereby.''.

(c) WAIVER OF UP-FRONT PREMIUMS FOR MORTGAGES USED TO FUND LONG-TERM CARE INSURANCE.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended by inserting after subsection (k) (as added by subsection (a) of this section) the following new subsection:

''(l) WAIVER OF UP-FRONT PREMIUMS FOR MORTGAGES TO FUND LONG-TERM CARE INSURANCE.—

''(1) IN GENERAL.—In the case of any mortgage insured under this section under which the total amount (except as provided in paragraph (2)) of all future payments described in subsection (b)(3) will be used only for costs of a qualified long-term care insurance contract that covers the mortgagor or members of the household residing in the property that is subject to the mortgage, notwithstanding section 203(c)(2), the Secretary shall not charge or collect the single premium payment otherwise required under subparagraph (A) of such section to be paid at the time of insurance.

''(2) AUTHORITY TO REFINANCE EXISTING MORTGAGE AND FINANCE CLOSING COSTS.—A mortgage described in paragraph (1) may provide financing of amounts that are used to satisfy outstanding mortgage obligations (in accordance with such limitations as the Secretary shall prescribe) and any amounts used for initial service charges, appraisal, inspection, and other fees (as approved by the Secretary) in connection with such mortgage, and the amount of future payments described in subsection (b)(3) under the mortgage shall be reduced accordingly.

''(3) DEFINITION.—For purposes of this subsection, the term 'qualified long-term care insurance contract' has the meaning given such term in section 7702B of the Internal Revenue Code of 1986 (26 U.S.C. 7702B)), except that such contract shall also meet the requirements of—

''(A) sections 9 (relating to disclosure), 24 (relating to suitability), and 26 (relating to contingent nonforfeiture) of the long-term care insurance model regulation promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000); and

''(B) section 8 (relating to contingent nonforfeiture) of the long-term care insurance model Act promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000).''.

(2) APPLICABILITY.—The provisions of section 255(l) of the National Housing Act (as added by paragraph (1) of this subsection) shall apply only to mortgages closed on or after April 1, 2001.

(d) STUDY OF SINGLE NATIONAL MORTGAGE LIMIT.—The Secretary of Housing and Urban Development shall conduct an actuarially based study of the effects of establishing, for mortgages insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), a single maximum mortgage amount limitation in lieu of applicability of section 203(b)(2) of such Act (12 U.S.C. 1709(b)(2)). The study shall—

(1) examine the effects of establishing such limitation at different dollar amounts; and

(2) examine the effects of such various limitations on—

(A) the risks to the General Insurance Fund established under section 519 of such Act;

(B) the mortgage insurance premiums that would be required to be charged to mortgagors to ensure actuarial soundness of such Fund; and

(C) take into consideration the various approaches to providing credit to borrowers who refinance home equity conversion mortgages insured under section 255 of such Act. Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the study under this subsection and submit a report describing the study and the results of the study to the Committee on Banking and Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 202. ASSISTANCE FOR SELF-HELP HOUSING PROVIDERS.

(a) REAUTHORIZATION.—Subsection (p) of section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended to read as follows:

''(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2001.''.

(b) ELIGIBLE EXPENSES.—Section 11(d)(2)(A) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by inserting before the period at the end the following: '', which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for nongrant amounts of the organization, consortium, or affiliate advanced before such review to acquire land''.

(c) DEADLINE FOR RECAPTURE OF FUNDS.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (i)(5)—

(A) by striking ''if the organization or consortia has not used any grant amounts'' and inserting ''the Secretary shall recapture any grant amounts provided to the organization or consortia that are not used'';

(B) by striking ''(or,'' and inserting '', except that such period shall be 36 months''; and

(C) by striking ''within 36 months), the Secretary shall recapture such unused amounts'' and inserting ''and in the case of a grant amounts provided to a local affiliate of the organization or consortia that is developing five or more dwellings in connection with such grant amounts''; and

(2) in subsection (j), by inserting after ''carry out this section'' the following: ''and grant amounts provided to a local affiliate of the organization or consortia that is developing five or more dwellings in connection with such grant amounts''.

(d) TECHNICAL CORRECTIONS.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (b)(4), by striking ''Habitat for Humanity International, its affiliates, and other''; and

(2) in subsection (e)(2), by striking ''consoria'' and inserting ''consortia''.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

SEC. 301. DOWNPAYMENT ASSISTANCE.

(a) AMENDMENTS.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

''(7) DOWNPAYMENT ASSISTANCE.—

''(A) AUTHORITY.—A public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the public housing agency, provide assistance for the family in the form of a single grant to be used only as a contribution toward the downpayment required in connection with the purchase of a dwelling for fiscal year 2000 and each fiscal year thereafter to the extent provided in advance in appropriations Acts.

''(B) AMOUNT.—The amount of a downpayment grant on behalf of an assisted family may not exceed the amount that is equal to the sum of the assistance payments that would be made during the first year of assistance on behalf of the family, based upon the income of the family at the time the grant is to be made.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately after the amendments made by section 555(c) of the Quality Housing and Work Responsibility Act of 1998 take effect pursuant to such section.

SEC. 302. PILOT PROGRAM FOR HOMEOWNERSHIP ASSISTANCE FOR DISABLED FAMILIES.

(a) IN GENERAL.—A public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) may provide assistance for a disabled family that purchases a dwelling unit (including a dwelling unit under a lease-purchase agreement) that will be owned by one or more members of the disabled family and will be occupied by the disabled family, if the disabled family—

(1) purchases the dwelling unit before the expiration of the 3-year period beginning on the date that the Secretary first implements the pilot program under this section;

(2) demonstrates that the disabled family has income from employment or other sources (including public assistance), as determined in accordance with requirements of the Secretary, that is not less than twice the payment standard established by the public housing agency (or such other amount as may be established by the Secretary);

(3) except as provided by the Secretary, demonstrates at the time the disabled family initially receives tenant-based assistance under this section that one or more adult members of the disabled family have achieved employment for the period as the Secretary shall require;

(4) participates in a homeownership and housing counseling program provided by the agency; and

(5) meets any other initial or continuing requirements established by the public housing agency in accordance with requirements established by the Secretary.

(b) DETERMINATION OF AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—

(A) MONTHLY EXPENSES NOT EXCEEDING PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:

(i) 30 percent of the monthly adjusted income of the disabled family.

(ii) 10 percent of the monthly income of the disabled family.

(iii) If the disabled family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the disabled family, is specifically designated by that agency to meet the housing costs of the disabled family, the portion of those payments that is so designated.

(B) MONTHLY EXPENSES EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary,

exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable payment standard exceeds the highest of the amounts under clauses (i), (ii), and (iii) of subparagraph (A).

(2) CALCULATION OF AMOUNT.—

(A) LOW-INCOME FAMILIES.—A disabled family that is a low-income family shall be eligible to receive 100 percent of the amount calculated under paragraph (1).

(B) INCOME BETWEEN 81 AND 89 PERCENT OF MEDIAN.—A disabled family whose income is between 81 and 89 percent of the median for the area shall be eligible to receive 66 percent of the amount calculated under paragraph (1).

(C) INCOME BETWEEN 90 AND 99 PERCENT OF MEDIAN.—A disabled family whose income is between 90 and 99 percent of the median for the area shall be eligible to receive 33 percent of the amount calculated under paragraph (1).

(D) INCOME MORE THAN 99 PERCENT OF MEDIAN.—A disabled family whose income is more than 99 percent of the median for the area shall not be eligible to receive assistance under this section.

(c) INSPECTIONS AND CONTRACT CONDITIONS.—

(1) IN GENERAL.—Each contract for the purchase of a dwelling unit to be assisted under this section shall—

(A) provide for pre-purchase inspection of the dwelling unit by an independent professional; and

(B) require that any cost of necessary repairs be paid by the seller.

(2) ANNUAL INSPECTIONS NOT REQUIRED.—The requirement under subsection (o)(8)(A)(ii) of section 8 of the United States Housing Act of 1937 for annual inspections shall not apply to dwelling units assisted under this section.

(d) OTHER AUTHORITY OF THE SECRETARY.—The Secretary may—

(1) limit the term of assistance for a disabled family assisted under this section;

(2) provide assistance for a disabled family for the entire term of a mortgage for a dwelling unit if the disabled family remains eligible for such assistance for such term; and

(3) modify the requirements of this section as the Secretary determines to be necessary to make appropriate adaptations for lease-purchase agreements.

(e) ASSISTANCE PAYMENTS SENT TO LENDER.—The Secretary shall remit assistance payments under this section directly to the mortgagee of the dwelling unit purchased by the disabled family receiving such assistance payments.

(f) INAPPLICABILITY OF CERTAIN PROVISIONS.—Assistance under this section shall not be subject to the requirements of the following provisions:

(1) Subsection (c)(3)(B) of section 8 of the United States Housing Act of 1937.

(2) Subsection (d)(1)(B)(i) of section 8 of the United States Housing Act of 1937.

(3) Any other provisions of section 8 of the United States Housing Act of 1937 governing maximum amounts payable to owners and amounts payable by assisted families.

(4) Any other provisions of section 8 of the United States Housing Act of 1937 concerning contracts between public housing agencies and owners.

(5) Any other provisions of the United States Housing Act of 1937 that are inconsistent with the provisions of this section.

(g) REVERSION TO RENTAL STATUS.—

(1) NON-FHA MORTGAGES.—If a disabled family receiving assistance under this section defaults under a mortgage not insured under the National Housing Act, the disabled family may not continue to receive rental assistance under section 8 of the United States Housing Act of 1937 unless it complies with requirements established by the Secretary.

(2) ALL MORTGAGES.—A disabled family receiving assistance under this section that defaults under a mortgage may not receive assistance under this section for occupancy of another dwelling unit owned by 1 or more members of the disabled family.

(3) EXCEPTION.—This subsection shall not apply if the Secretary determines that the disabled family receiving assistance under this section defaulted under a mortgage due to catastrophic medical reasons or due to the impact of a federally declared major disaster or emergency.

(h) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue regulations to implement this section. Such regulations may not prohibit any public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 from participating in the pilot program under this section.

(i) DEFINITION OF DISABLED FAMILY.—For the purposes of this section, the term ''disabled family'' has the meaning given the term ''person with disabilities'' in section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)).

SEC. 303. FUNDING FOR PILOT PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2001 for assistance in connection with the existing homeownership pilot programs carried out under the demonstration program authorized under to section 555(b) of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276; 112 Stat. 2613).

(b) USE.—Subject to subsection (c), amounts made available pursuant to this section shall be used only through such homeownership pilot programs to provide, on behalf of families participating in such programs, amounts for downpayments in connection with dwellings purchased by such families using assistance made available under section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)). No such downpayment grant may exceed 20 percent of the appraised value of the dwelling purchased with assistance under such section 8(y).

(c) MATCHING REQUIREMENT.—The amount of assistance made available under this section for any existing homeownership pilot program may not exceed twice the amount donated from sources other than this section for use under the program for assistance described in subsection (b). Amounts donated from other sources may include amounts from State housing finance agencies and Neighborhood Housing Services of America.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Private Mortgage Insurance Technical Corrections and Clarification Act''.

SEC. 402. CHANGES IN AMORTIZATION SCHEDULE.

(a) TREATMENT OF ADJUSTABLE RATE MORTGAGES.—The Homeowners Protection Act of 1998 (12 U.S.C. 4901 et seq.) is amended—

(1) in section 2—

(A) in paragraph (2)(B)(i), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect'';

(B) in paragraph (16)(B), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect'';

(C) by redesignating paragraphs (6) through (16) (as amended by the preceding provisions of this paragraph) as paragraphs (8) through (18), respectively; and

(D) by inserting after paragraph (5) the following new paragraph:

''(6) AMORTIZATION SCHEDULE THEN IN EFFECT.—The term 'amortization schedule then in effect' means, with respect to an adjustable rate mortgage, a schedule established at the time at which the residential mortgage transaction is consummated or, if such schedule has been changed or recalculated, is the most recent schedule under the terms of the note or mortgage, which shows—

''(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the remaining amortization period of the loan; and

''(B) the unpaid balance of the loan after each such scheduled payment is made.''; and

(2) in section 3(f)(1)(B)(ii), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect''.

(b) TREATMENT OF BALLOON MORTGAGES.—Paragraph (1) of section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(1)) is amended by adding at the end the following new sentence: ''A residential mortgage that (A) does not fully amortize over the term of the obligation, and (B) contains a conditional right to refinance or modify the unamortized principal at the maturity date of the term, shall be considered to be an adjustable rate mortgage for purposes of this Act.''.

(c) TREATMENT OF LOAN MODIFICATIONS.—

(1) IN GENERAL.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

''(d) TREATMENT OF LOAN MODIFICATIONS.—If a mortgagor and mortgagee (or holder of the mortgage) agree to a modification of the terms or conditions of a loan pursuant to a residential mortgage transaction, the cancellation date, termination date, or final termination shall be recalculated to reflect the modified terms and conditions of such loan.''.

(2) CONFORMING AMENDMENTS.—Section 4(a) of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''section 3(f)(1)'' and inserting ''section 3(g)(1)'';

(ii) in subparagraph (A)(ii)(IV), by striking ''section 3(f)'' and inserting ''section 3(g)''; and

(iii) in subparagraph (B)(iii), by striking ''section 3(f)'' and inserting ''section 3(g)''; and

(B) in paragraph (2), by striking ''section 3(f)(1)'' and inserting ''section 3(g)(1)''.

SEC. 403. DELETION OF AMBIGUOUS REFERENCES TO RESIDENTIAL MORTGAGES.

(a) TERMINATION OF PRIVATE MORTGAGE INSURANCE.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (c), by inserting ''on residential mortgage transactions'' after ''imposed''; and

(2) in subsection (g) (as so redesignated by the preceding provisions of this title)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''mortgage or'';

(B) in paragraph (2), by striking ''mortgage or''; and

(C) in paragraph (3), by striking ''mortgage or'' and inserting ''residential mortgage or residential''.

(b) DISCLOSURE REQUIREMENTS.—Section 4 of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''mortgage or'' the first place it appears; and

(ii) by striking ''mortgage or'' the second place it appears and inserting ''residential''; and

(B) in paragraph (2), by striking ''mortgage or'' and inserting ''residential'';

(2) in subsection (c), by striking ''paragraphs (1)(B) and (3) of subsection (a)'' and inserting ''subsection (a)(3)''; and

(3) in subsection (d), by inserting before the period at the end the following: '', which disclosures shall relate to the mortgagor's rights under this Act''.

(c) DISCLOSURE REQUIREMENTS FOR LENDER-PAID MORTGAGE INSURANCE.—Section 6 of the Homeowners Protection Act of 1998 (12 U.S.C. 4905) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''a residential mortgage or''; and

(B) in paragraph (2), by inserting ''transaction'' after ''residential mortgage''; and

(2) in subsection (d), by inserting ''transaction'' after ''residential mortgage''.

SEC. 404. CANCELLATION RIGHTS AFTER CANCELLATION DATE.

Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after ''cancellation date'' the following: ''or any later date that the mortgagor fulfills all of the requirements under paragraphs (1) through (4)'';

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

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

''(3) is current on the payments required by the terms of the residential mortgage transaction; and''; and

(2) in subsection (e)(1)(B) (as so redesignated by the preceding provisions of this title), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(4)''.

SEC. 405. CLARIFICATION OF CANCELLATION AND TERMINATION ISSUES AND LENDER PAID MORTGAGE INSURANCE DISCLOSURE REQUIREMENTS.

(a) GOOD PAYMENT HISTORY.—Section 2(4) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''the later of (i)'' before ''the date''; and

(B) by inserting '', or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)'' before the semicolon; and

(2) in subparagraph (B)—

(A) by inserting ''the later of (i)'' before ''the date''; and

(B) by inserting '', or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)'' before the period at the end.

(b) AUTOMATIC TERMINATION.—Paragraph (2) of section 3(b) of the Homeowners Protection Act of 1998 (12 U.S.C. 4902(b)(2)) is amended to read as follows:

''(2) if the mortgagor is not current on the termination date, on the first day of the first month beginning after the date that the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction.''

(c) PREMIUM PAYMENTS.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended by adding at the end the following new subsection:

''(h) ACCRUED OBLIGATION FOR PREMIUM PAYMENTS.—The cancellation or termination under this section of the private mortgage insurance of a mortgagor shall not affect the rights of any mortgagee, servicer, or mortgage insurer to enforce any obligation of such mortgagor for premium payments accrued prior to the date on which such cancellation or termination occurred.''.

SEC. 406. DEFINITIONS.

(a) REFINANCED.—Section 6(c)(1)(B)(ii) of the Homeowners Protection Act of 1998 (12 U.S.C. 4905(c)(1)(B)(ii)) is amended by inserting after ''refinanced'' the following: ''(under the meaning given such term in the regulations issued by the Board of Governors of the Federal Reserve System to carry out the Truth in Lending Act (15 U.S.C. 1601 et seq.))''.

(b) MIDPOINT OF THE AMORTIZATION PERIOD.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended by inserting after paragraph (6) (as added by the preceding provisions of this title) the following new paragraph:

''(7) MIDPOINT OF THE AMORTIZATION PERIOD.—The term 'midpoint of the amortization period' means, with respect to a residential mortgage transaction, the point in time that is halfway through the period that begins upon the first day of the amortization period established at the time a residential mortgage transaction is consummated and ends upon the completion of the entire period over which the mortgage is scheduled to be amortized.''.

(c) ORIGINAL VALUE.—Section 2(12) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(10)) (as so redesignated by the preceding provisions of this title) is amended—

(1) by inserting ''transaction'' after ''a residential mortgage''; and

(2) by adding at the end the following new sentence: ''In the case of a residential mortgage transaction for refinancing the principal residence of the mortgagor, such term means only the appraised value relied upon by the mortgagee to approve the refinance transaction.''.

(d) PRINCIPAL RESIDENCE.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended—

(1) in paragraph (14) (as so redesignated by the preceding provisions of this title) by striking ''primary'' and inserting ''principal''; and

(2) in paragraph (15) (as so redesignated by the preceding provisions of this title) by striking ''primary'' and inserting ''principal''.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

SEC. 501. LANDS TITLE REPORT COMMISSION.

(a) ESTABLISHMENT.—Subject to sums being provided in advance in appropriations Acts, there is established a Commission to be known as the Lands Title Report Commission (hereafter in this section referred to as the ''Commission'') to facilitate home loan mortgages on Indian trust lands. The Commission will be subject to oversight by the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 12 members, appointed not later than 90 days after the date of the enactment of this Act as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the Chairperson of the Committee on Banking and Financial Services of the House of Representatives.

(C) Four members shall be appointed by the Chairperson of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—

(A) MEMBERS OF TRIBES.—At all times, not less than eight of the members of the Commission shall be members of federally recognized Indian tribes.

(B) EXPERIENCE IN LAND TITLE MATTERS.—All members of the Commission shall have experience in and knowledge of land title matters relating to Indian trust lands.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be one of the members of the Commission appointed under paragraph (1)(C), as elected by the members of the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) INITIAL MEETING.—The Chairperson of the Commission shall call the initial meeting of the Commission. Such meeting shall be held within 30 days after the Chairperson of the Commission determines that sums sufficient for the Commission to carry out its duties under this Act have been appropriated for such purpose.

(d) DUTIES.—The Commission shall analyze the system of the Bureau of Indian Affairs of the Department of the Interior for maintaining land ownership records and title documents and issuing certified title status reports relating to Indian trust lands and, pursuant to such analysis, determine how best to improve or replace the system—

(1) to ensure prompt and accurate responses to requests for title status reports;

(2) to eliminate any backlog of requests for title status reports; and

(3) to ensure that the administration of the system will not in any way impair or restrict the ability of Native Americans to obtain conventional loans for purchase of residences located on Indian trust lands, including any actions necessary to ensure that the system will promptly be able to meet future demands for certified title status reports, taking into account the anticipated complexity and volume of such requests.

(e) REPORT.—Not later than the date of the termination of the Commission under subsection (h), the Commission shall submit a report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the analysis and determinations made pursuant to subsection (d).

(f) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this section.

(6) STAFF.—The Commission may appoint personnel as it considers appropriate, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary, and any amounts appropriated pursuant to this subsection shall remain available until expended.

(h) TERMINATION.—The Commission shall terminate 1 year after the date of the initial meeting of the Commission.

SEC. 502. LOAN GUARANTEES.

Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

(1) in paragraph (5), by striking subparagraph (C) and inserting the following new subparagraph:

''(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section in each fiscal year with an aggregate outstanding principal amount not exceeding such amount as may be provided in appropriation Acts for such fiscal year.''; and

(2) in paragraph (7), by striking ''each of fiscal years 1997, 1998, 1999, 2000, and 2001'' and inserting ''each fiscal year''.

SEC. 503. NATIVE AMERICAN HOUSING ASSISTANCE.

(a) RESTRICTION ON WAIVER AUTHORITY.—

(1) IN GENERAL.—Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking ''if the Secretary'' and all that follows through the period at the end and inserting the following: ''for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.''.

(2) LOCAL COOPERATION AGREEMENT.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: ''The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).''.

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(c)) is amended by adding at the end the following:

''(6) CERTAIN FAMILIES.—With respect to assistance provided under section 201(b)(2) by a recipient to Indian families that are not low-income families, evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.''.

(c) ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.—Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(d) ENVIRONMENTAL COMPLIANCE.—Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

''(d) ENVIRONMENTAL COMPLIANCE.—The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

''(1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act;

''(2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

''(3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and

''(4) may be corrected through the sole action of the recipient.''.

(e) OVERSIGHT.—

(1) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

''SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

''If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).''.

(2) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4165) is amended to read as follows:

''SEC. 405. REVIEW AND AUDIT BY SECRETARY.

''(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

''(b) ADDITIONAL REVIEWS AND AUDITS.—

''(1) IN GENERAL.—In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

''(A) determine whether the recipient—

''(i) has carried out—

''(I) eligible activities in a timely manner; and

''(II) eligible activities and certification in accordance with this Act and other applicable law;

''(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

''(iii) is in compliance with the Indian housing plan of the recipient; and

''(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

''(2) ON-SITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include on-site visits by the appropriate official of the Department of Housing and Urban Development.

''(c) REVIEW OF REPORTS.—

''(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

''(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

''(A) may revise the report; and

''(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

''(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.''.

(f) ALLOCATION FORMULA.—Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking ''The formula,'' and inserting the following:

''(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula''; and

(2) by adding at the end the following:

''(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 2001 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437*l*) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.''.

(g) HEARING REQUIREMENT.—Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and realigning such subparagraphs (as so redesignated) so as to be indented 4 ems from the left margin;

(2) by striking ''Except as provided'' and inserting the following:

''(1) IN GENERAL.—Except as provided'';

(3) by striking ''If the Secretary takes an action under paragraph (1), (2), or (3)'' and inserting the following:

''(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)''; and

(4) by adding at the end the following:

''(3) EXCEPTION FOR CERTAIN ACTIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

''(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

''(i) provide notice to the recipient at the time that the Secretary takes that action; and

''(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

''(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.''.

(h) PERFORMANCE AGREEMENT TIME LIMIT.—Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary'';

(2) by striking ''(1) is not'' and inserting the following:

''(A) is not'';

(3) by striking ''(2) is a result'' and inserting the following:

''(B) is a result'';

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this subsection—

(A) by realigning such material so as to be indented 2 ems from the left margin; and

(B) by inserting before the period at the end the following: '', if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement''; and

(5) by adding at the end the following:

''(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

''(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

''(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

''(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

''(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).''.

(i) LABOR STANDARDS.—Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b) is amended—

(1) in paragraph (1), by striking ''Davis-Bacon Act (40 U.S.C. 276a–276a–5)'' and inserting ''Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C 276a et seq.)''; and

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

''(3) APPLICATION OF TRIBAL LAWS.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by one or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.''.

(j) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(A) by striking the item relating to section 206; and

(B) by striking the item relating to section 209 and inserting the following:

''209. Noncompliance with affordable housing requirement.''.

(2) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(3) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: ''Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1).''.

Subtitle B—Native Hawaiian Housing

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''Hawaiian Homelands Homeownership Act of 2000''.

SEC. 512. FINDINGS.

The Congress finds that—

(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

(2) the United States has a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians;

(3) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

(4) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), Native Hawaiians eligible to reside on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

(5) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

(6) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing problems in the United States, as the percentage—

(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

(i) 44 percent for American Indian and Alaska Native households in Indian country; and

(ii) 27 percent for all other households in the United States; and

(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3 percent for all other households in the United States;

(7) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (as added by this subtitle), eligible to reside on the Hawaiian Home Lands are the most severe, as—

(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

(8) applying the Department of Housing and Urban Development guidelines—

(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes below 30 percent of the median family income;

(9) ⅓ of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and ½ of those Native Hawaiians face overcrowding;

(10) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

(11) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who

either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

(12) under the treatymaking power of the United States, Congress had the constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(13) the United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(E) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

(14) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act of 1992 (106 Stat. 3434);

(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts Development Act (20 U.S.C. 4401 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(15) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

(B) the enactment of the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (73 Stat. 4)—

(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions of Native Hawaiians, as that term is defined in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.); and

(ii) by transferring the United States responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the National Housing Act (Public Law 479; 73d Congress; 12 U.S.C. 1701 et seq.);

(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101–235;

(E) the inclusion of Native Hawaiians in the definition under section 3764 of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C. 491, note prec.) which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Homes Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory.

SEC. 513. HOUSING ASSISTANCE.

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by adding at the end the following:

"TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

"SEC. 801. DEFINITIONS.

''In this title:

''(1) DEPARTMENT OF HAWAIIAN HOME LANDS; DEPARTMENT.—The term 'Department of Hawaiian Home Lands' or 'Department' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

''(2) DIRECTOR.—The term 'Director' means the Director of the Department of Hawaiian Home Lands.

''(3) ELDERLY FAMILIES; NEAR-ELDERLY FAMILIES.—

''(A) IN GENERAL.—The term 'elderly family' or 'near-elderly family' means a family whose head (or his or her spouse), or whose sole member, is—

''(i) for an elderly family, an elderly person; or

''(ii) for a near-elderly family, a near-elderly person.

''(B) CERTAIN FAMILIES INCLUDED.—The term 'elderly family' or 'near-elderly family' includes—

''(i) two or more elderly persons or near-elderly persons, as the case may be, living together; and

''(ii) one or more persons described in clause (i) living with one or more persons determined under the housing plan to be essential to their care or well-being.

''(4) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

''(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920(42 Stat. 110); or

''(B) are acquired pursuant to that Act.

''(5) HOUSING AREA.—The term 'housing area' means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this Act.

''(6) HOUSING ENTITY.—The term 'housing entity' means the Department of Hawaiian Home Lands.

''(7) HOUSING PLAN.—The term 'housing plan' means a plan developed by the Department of Hawaiian Home Lands.

''(8) MEDIAN INCOME.—The term 'median income' means, with respect to an area that is a Hawaiian housing area, the greater of—

''(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

''(B) the median income for the State of Hawaii.

''(9) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

''(i) genealogical records;

''(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

''(iii) birth records of the State of Hawaii.

"SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

''(a) GRANT AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make a grant under this title to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands.

''(b) PLAN REQUIREMENT.—

''(1) IN GENERAL.—The Secretary may make a grant under this title to the Department of Hawaiian Home Lands for a fiscal year only if—

''(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

''(B) the Secretary has determined under section 804 that the housing plan complies with the requirements of section 803.

''(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

''(c) USE OF AFFORDABLE HOUSING ACTIVITIES UNDER PLAN.—Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this title that are consistent with a housing plan approved under section 804.

''(d) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of

any grant amounts received under this title for any reasonable administrative and planning expenses of the Department relating to carrying out this title and activities assisted with those amounts.

''(2) ADMINISTRATIVE AND PLANNING EXPENSES.—The administrative and planning expenses referred to in paragraph (1) include—

''(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title; and

''(B) expenses incurred in preparing a housing plan under section 803.

''(e) PUBLIC-PRIVATE PARTNERSHIPS.—The Director shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 803.

''SEC. 803. HOUSING PLAN.

''(a) PLAN SUBMISSION.—The Secretary shall—

''(1) require the Director to submit a housing plan under this section for each fiscal year; and

''(2) provide for the review of each plan submitted under paragraph (1).

''(b) FIVE-YEAR PLAN.—Each housing plan under this section shall—

''(1) be in a form prescribed by the Secretary; and

''(2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

''(A) MISSION STATEMENT.—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

''(B) GOAL AND OBJECTIVES.—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

''(C) ACTIVITIES PLANS.—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

''(c) ONE-YEAR PLAN.—A housing plan under this section shall—

''(1) be in a form prescribed by the Secretary; and

''(2) contain the following information relating to the fiscal year for which the assistance under this title is to be made available:

''(A) GOALS AND OBJECTIVES.—A statement of the goals and objectives to be accomplished during the period covered by the plan.

''(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

''(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

''(I) the geographical needs of those families; and

''(II) needs for various categories of housing assistance; and

''(ii) a description of the estimated housing needs for all families to be served by the Department.

''(C) FINANCIAL RESOURCES.—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

''(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this title, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

''(ii) the uses to which the resources described in clause (i) will be committed, including—

''(I) eligible and required affordable housing activities; and

''(II) administrative expenses.

''(D) AFFORDABLE HOUSING RESOURCES.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

''(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing;

''(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this title for—

''(I) rental assistance;

''(II) the production of new units;

''(III) the acquisition of existing units; or

''(IV) the rehabilitation of units;

''(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

''(I) the involvement of private, public, and nonprofit organizations and institutions;

''(II) the use of loan guarantees under section 184A of the Housing and Community Development Act of 1992; and

''(III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

''(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

''(v) a description of—

''(I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and

''(II) the requirements and assistance available under the programs referred to in subclause (I);

''(vi) a description of—

''(I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and

''(II) the requirements and assistance available under the programs referred to in subclause (I);

''(vii) a description of—

''(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

''(aa) transitional housing;

''(bb) homeless housing;

''(cc) college housing; and

''(dd) supportive services housing; and

''(II) the requirements and assistance available under such programs;

''(viii)(I) a description of any housing to be demolished or disposed of;

''(II) a timetable for that demolition or disposition; and

''(III) any other information required by the Secretary with respect to that demolition or disposition;

''(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

''(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

''(I) promote the safety of residents of the affordable housing;

''(II) facilitate the undertaking of crime prevention measures;

''(III) allow resident input and involvement, including the establishment of resident organizations; and

''(IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

''(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

''(E) CERTIFICATION OF COMPLIANCE.—Evidence of compliance that shall include, as appropriate—

''(i) a certification that the Department of Hawaiian Home Lands will comply with—

''(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out this title, to the extent that such title is applicable; and

''(II) other applicable Federal statutes;

''(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this title, in compliance with such requirements as may be established by the Secretary;

''(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title;

''(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this title; and

''(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this title.

''(d) APPLICABILITY OF CIVIL RIGHTS STATUTES.—

''(1) IN GENERAL.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C. 3601 et seq.) apply to assistance provided under this title, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this title—

''(A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or

''(B) to an eligible family on the basis that the family is a Native Hawaiian family.

''(2) CIVIL RIGHTS.—Program eligibility under this title may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated

against on the basis of race, color, national origin, religion, sex, familial status, or disability.

''(e) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

''SEC. 804. REVIEW OF PLANS.

''(a) REVIEW AND NOTICE.—

''(1) REVIEW.—

''(A) IN GENERAL.—The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 803 to ensure that the plan complies with the requirements of that section.

''(B) LIMITATION.—The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

''(2) NOTICE.—

''(A) IN GENERAL.—Not later than 60 days after receiving a plan under section 803, the Secretary shall notify the Director of the Department of Hawaiian Home Lands whether the plan complies with the requirements under that section.

''(B) EFFECT OF FAILURE OF SECRETARY TO TAKE ACTION.—For purposes of this title, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

''(i) the plan shall be considered to have been determined to comply with the requirements under section 803; and

''(ii) the Director shall be considered to have been notified of compliance.

''(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan submitted under section 803 does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

''(1) the reasons for noncompliance; and

''(2) any modifications necessary for the plan to meet the requirements of section 803.

''(c) REVIEW.—

''(1) IN GENERAL.—After the Director of the Department of Hawaiian Home Lands submits a housing plan under section 803, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

''(A) set forth the information required by section 803 to be contained in the housing plan;

''(B) are consistent with information and data available to the Secretary; and

''(C) are not prohibited by or inconsistent with any provision of this Act or any other applicable law.

''(2) INCOMPLETE PLANS.—If the Secretary determines under this subsection that any of the appropriate certifications required under section 803(c)(2)(E) are not included in a plan, the plan shall be considered to be incomplete.

''(d) UPDATES TO PLAN.—

''(1) IN GENERAL.—Subject to paragraph (2), after a plan under section 803 has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 803(b) or for the 1-year period under section 803(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

''(2) COMPLETE PLANS.—The Director shall submit a complete plan under section 803 not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

''(e) EFFECTIVE DATE.—This section and section 803 shall take effect on the date provided by the Secretary pursuant to section 807(a) to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this title for fiscal year 2001.

''SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

''(a) PROGRAM INCOME.—

''(1) AUTHORITY TO RETAIN.—The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this title if—

''(A) that income was realized after the initial disbursement of the grant amounts received by the Department; and

''(B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this title.

''(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

''(A) whether the Department retains program income under paragraph (1); or

''(B) the amount of any such program income retained.

''(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

''(b) LABOR STANDARDS.—

''(1) IN GENERAL.—Any contract or agreement for assistance, sale, or lease pursuant to this title shall contain—

''(A) a provision requiring that an amount 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 architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

''(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act commonly known as the 'Davis-Bacon Act' (46 Stat. 1494; chapter 411; 40 U.S.C. 276a et seq.) shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

''(2) EXCEPTIONS.—Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this title, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

''SEC. 806. ENVIRONMENTAL REVIEW.

''(a) IN GENERAL.—

''(1) RELEASE OF FUNDS.—

''(A) IN GENERAL.—The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

''(i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title; and

''(ii) to the public undiminished protection of the environment.

''(B) ALTERNATIVE ENVIRONMENTAL PROTECTION PROCEDURE.—In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to the Department of Hawaiian Home Lands if the Director of the Department assumes all of the responsibilities for environmental review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

''(2) REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

''(B) CONTENTS.—The regulations issued under this paragraph shall—

''(i) provide for the monitoring of the environmental reviews performed under this section;

''(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

''(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

''(3) EFFECT ON ASSUMED RESPONSIBILITY.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

''(b) PROCEDURE.—

''(1) IN GENERAL.—The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

''(2) EFFECT OF APPROVAL.—The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the releases of funds for projects that are covered by that certification.

''(c) CERTIFICATION.—A certification under the procedures under this section shall—

''(1) be in a form acceptable to the Secretary;

''(2) be executed by the Director of the Department of Hawaiian Home Lands;

''(3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and

''(4) specify that the Director—

''(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

''(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director of the Department of Hawaiian Home Lands as such an official.

''SEC. 807. REGULATIONS.

''The Secretary shall issue final regulations necessary to carry out this title not later than October 1, 2001.

''SEC. 808. EFFECTIVE DATE.

''Except as otherwise expressly provided in this title, this title shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.

''SEC. 809. AFFORDABLE HOUSING ACTIVITIES.

''(a) NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.—

''(1) PRIMARY OBJECTIVE.—The national objectives of this title are—

''(A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;

''(B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;

''(C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State and local activities to further economic and community development;

''(D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and

''(E) to—

''(i) promote the development of private capital markets; and

''(ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

''(2) ELIGIBLE FAMILIES.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), assistance for eligible housing activities under this title shall be limited to low-income Native Hawaiian families.

''(B) EXCEPTION TO LOW-INCOME REQUIREMENT.—

''(i) IN GENERAL.—The Director may provide assistance for homeownership activities under—

''(I) section 810(b);

''(II) model activities under section 810(f); or

''(III) loan guarantee activities under section 184A of the Housing and Community Development Act of 1992 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

''(ii) LIMITATIONS.—The Secretary shall establish limitations on the amount of assistance that may be provided under this title for activities for families that are not low-income families.

''(C) OTHER FAMILIES.—Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title to a family that is not composed of Native Hawaiians if—

''(i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and

''(ii) the need for housing for the family cannot be reasonably met without the assistance.

''(D) PREFERENCE.—

''(i) IN GENERAL.—A housing plan submitted under section 803 may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

''(ii) APPLICATION.—In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this title are subject to that preference.

''(E) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

''SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

''(a) IN GENERAL.—Affordable housing activities under this section are activities conducted in accordance with the requirements of section 811 to—

''(1) develop or to support affordable housing for rental or homeownership; or

''(2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

''(b) ACTIVITIES.—The activities described in this subsection are the following:

''(1) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

''(A) real property acquisition;

''(B) site improvement;

''(C) the development of utilities and utility services;

''(D) conversion;

''(E) demolition;

''(F) financing;

''(G) administration and planning; and

''(H) other related activities.

''(2) HOUSING SERVICES.—The provision of housing-related services for affordable housing, including—

''(A) housing counseling in connection with rental or homeownership assistance;

''(B) the establishment and support of resident organizations and resident management corporations;

''(C) energy auditing;

''(D) activities related to the provisions of self-sufficiency and other services; and

''(E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

''(3) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including—

''(A) the preparation of work specifications;

''(B) loan processing;

''(C) inspections;

''(D) tenant selection;

''(E) management of tenant-based rental assistance; and

''(F) management of affordable housing projects.

''(4) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

''(5) MODEL ACTIVITIES.—Housing activities under model programs that are—

''(A) designed to carry out the purposes of this title; and

''(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

''SEC. 811. PROGRAM REQUIREMENTS.

''(a) RENTS.—

''(1) ESTABLISHMENT.—Subject to paragraph (2), as a condition to receiving grant amounts under this title, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this title, including methods by which such rents and homebuyer payments are determined.

''(2) MAXIMUM RENT.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this title, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

''(b) MAINTENANCE AND EFFICIENT OPERATION.—

''(1) IN GENERAL.—The Director shall, using amounts of any grants received under this title, reserve and use for operating under section 810 such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

''(2) DISPOSAL OF CERTAIN HOUSING.—This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

''(c) INSURANCE COVERAGE.—As a condition to receiving grant amounts under this title, the Director shall require adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this title.

''(d) ELIGIBILITY FOR ADMISSION.—As a condition to receiving grant amounts under this title, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title.

''(e) MANAGEMENT AND MAINTENANCE.—As a condition to receiving grant amounts under this title, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this title.

''SEC. 812. TYPES OF INVESTMENTS.

''(a) IN GENERAL.—Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have—

''(1) the discretion to use grant amounts for affordable housing activities through the use of—

''(A) equity investments;

''(B) interest-bearing loans or advances;

''(C) noninterest-bearing loans or advances;

''(D) interest subsidies;

''(E) the leveraging of private investments; or

''(F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and

''(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

''(b) INVESTMENTS.—The Director may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

''SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

''(a) IN GENERAL.—Housing shall qualify for affordable housing for purposes of this title only if—

''(1) each dwelling unit in the housing—

''(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

''(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

''(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

''(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

''(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

''(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

''(I) avoid termination of low-income affordability, in the case of foreclosure; or

''(II) transfer ownership in lieu of foreclosure; and

''(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

''(b) EXCEPTION.—Notwithstanding subsection (a), housing assisted pursuant to section 809(a)(2)(B) shall be considered affordable housing for purposes of this title.

''SEC. 814. LEASE REQUIREMENTS AND TENANT SELECTION.

''(a) LEASES.—Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the Director, owner, or manager shall use leases that—

''(1) do not contain unreasonable terms and conditions;

''(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

''(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

''(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

''(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

''(6) provide that the Director, owner, or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

''(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

''(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

''(C) is criminal activity (including drug-related criminal activity) on or off the premises.

''(b) TENANT OR HOMEBUYER SELECTION.—As a condition to receiving grant amounts under this title, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

''(1) are consistent with the purpose of providing housing for low-income families;

''(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

''(3) provide for—

''(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 803; and

''(B) the prompt notification in writing of any rejected applicant of the grounds for that rejection.

''SEC. 815. REPAYMENT.

''If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 813(a)(2), the Secretary shall—

''(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 819(a)(2)); or

''(2) require repayment to the Secretary of any amount equal to those grant amounts.

''SEC. 816. ANNUAL ALLOCATION.

''For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 817 to the Department of Hawaiian Home Lands if the Department complies with the requirements under this title for a grant under this title.

''SEC. 817. ALLOCATION FORMULA.

''(a) ESTABLISHMENT.—The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, in the manner provided under section 807, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this title in accordance with the requirements of this section.

''(b) FACTORS FOR DETERMINATION OF NEED.—The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

''(1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;

''(2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and

''(3) any other objectively measurable conditions that the Secretary and the Director may specify.

''(c) OTHER FACTORS FOR CONSIDERATION.—In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

''(1) geographic distribution within Hawaiian Home Lands; and

''(2) technical capacity.

''(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.

''SEC. 818. REMEDIES FOR NONCOMPLIANCE.

''(a) ACTIONS BY SECRETARY AFFECTING GRANT AMOUNTS.—

''(1) IN GENERAL.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary shall—

''(A) terminate payments under this title to the Department;

''(B) reduce payments under this title to the Department by an amount equal to the amount of such payments that were not expended in accordance with this title; or

''(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

''(2) ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

''(b) NONCOMPLIANCE BECAUSE OF A TECHNICAL INCAPACITY.—The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to administer assistance provided under this title in compliance with the requirements under this title if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this title—

''(1) is not a pattern or practice of activities constituting willful noncompliance; and

''(2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

''(c) REFERRAL FOR CIVIL ACTION.—

''(1) AUTHORITY.—In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

''(2) CIVIL ACTION.—Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

''(A) to recover the amount of the assistance furnished under this title that was not expended in accordance with this title; or

''(B) for mandatory or injunctive relief.

''(d) REVIEW.—

''(1) IN GENERAL.—If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act, the Director—

''(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

''(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

''(2) PROCEDURE.—

''(A) IN GENERAL.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

''(B) OBJECTIONS.—No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

''(3) DISPOSITION.—

''(A) COURT PROCEEDINGS.—

''(i) JURISDICTION OF COURT.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

''(ii) FINDINGS OF FACT.—If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

''(iii) ADDITION.—The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

''(B) SECRETARY.—

''(i) IN GENERAL.—The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

''(I) may—

''(aa) modify the findings of fact of the Secretary; or

''(bb) make new findings; and

''(II) shall file—

''(aa) such modified or new findings; and

''(bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

''(ii) FINDINGS.—The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

''(I) supported by substantial evidence on the record; and

''(II) considered as a whole.

''(4) FINALITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

''(i) the jurisdiction of the court shall be exclusive; and

''(ii) the judgment of the court shall be final.

''(B) REVIEW BY SUPREME COURT.—A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code.

''SEC. 819. MONITORING OF COMPLIANCE.

''(a) ENFORCEABLE AGREEMENTS.—

''(1) IN GENERAL.—The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this title.

''(2) MEASURES.—The measures referred to in paragraph (1) shall provide for—

''(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this title by the Department and the Secretary; and

''(B) remedies for breach of the provisions referred to in paragraph (1).

''(b) PERIODIC MONITORING.—

''(1) IN GENERAL.—Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title.

''(2) REVIEW.—Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

''(3) RESULTS.—The results of each review under paragraph (1) shall be—

''(A) included in a performance report of the Director submitted to the Secretary under section 820; and

''(B) made available to the public.

''(c) PERFORMANCE MEASURES.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this title.

''SEC. 820. PERFORMANCE REPORTS.

''(a) REQUIREMENT.—For each fiscal year, the Director shall—

''(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 803; and

''(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

''(b) CONTENT.—Each report submitted under this section for a fiscal year shall—

''(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

''(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

''(3) indicate the programmatic accomplishments of the Department; and

''(4) describe the manner in which the Department would change its housing plan submitted under section 803 as a result of its experiences.

''(c) SUBMISSIONS.—The Secretary shall—

''(1) establish a date for submission of each report under this section;

''(2) review each such report; and

''(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this title.

''(d) PUBLIC AVAILABILITY.—

''(1) COMMENTS BY BENEFICIARIES.—In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

''(2) SUMMARY OF COMMENTS.—The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

''SEC. 821. REVIEW AND AUDIT BY SECRETARY.

''(a) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

''(A) the Director has—

''(i) carried out eligible activities under this title in a timely manner;

''(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws; and

''(iii) a continuing capacity to carry out the eligible activities in a timely manner;

''(B) the Director has complied with the housing plan submitted by the Director under section 803; and

''(C) the performance reports of the Department under section 821 are accurate.

''(2) ONSITE VISITS.—Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

''(b) REPORT BY SECRETARY.—The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

''(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of annual grants under this title in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

''SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.

''To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this title relate to amounts provided under this title, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

''SEC. 823. REPORTS TO CONGRESS.

''(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to Congress a report that contains—

''(1) a description of the progress made in accomplishing the objectives of this title;

''(2) a summary of the use of funds available under this title during the preceding fiscal year; and

''(3) a description of the aggregate outstanding loan guarantees under section 184A of the Housing and Community Development Act of 1992.

''(b) RELATED REPORTS.—The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

''SEC. 824. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title such

sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.''.

SEC. 514. LOAN GUARANTEES.

Subtitle E of title I of the Housing and Community Development Act of 1992 is amended by inserting after section 184 (12 U.S.C. 1715z–13a) the following:

''SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

''(a) DEFINITIONS.—In this section:

''(1) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term 'Department of Hawaiian Home Lands' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and private nonprofit or private for-profit organizations experienced in the planning and development of affordable housing for Native Hawaiians.

''(3) FAMILY.—The term 'family' means one or more persons maintaining a household, as the Secretary shall by regulation provide.

''(4) GUARANTEE FUND.—The term 'Guarantee Fund' means the Native Hawaiian Housing Loan Guarantee Fund established under subsection (i).

''(5) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

''(A) have the status of Hawaiian Home Lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

''(B) are acquired pursuant to that Act.

''(6) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

''(i) genealogical records;

''(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

''(iii) birth records of the State of Hawaii.

''(7) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the entity of that name established under the constitution of the State of Hawaii.

''(b) AUTHORITY.—To provide access to sources of private financing to Native Hawaiian families who otherwise could not acquire housing financing because of the unique legal status of the Hawaiian Home Lands or as a result of a lack of access to private financial markets, the Secretary may guarantee an amount not to exceed 100 percent of the unpaid principal and interest that is due on an eligible loan under subsection (b).

''(c) ELIGIBLE LOANS.—Under this section, a loan is an eligible loan if that loan meets the following requirements:

''(1) ELIGIBLE BORROWERS.—The loan is made only to a borrower who is—

''(A) a Native Hawaiian family;

''(B) the Department of Hawaiian Home Lands;

''(C) the Office of Hawaiian Affairs; or

''(D) a private nonprofit organization experienced in the planning and development of affordable housing for Native Hawaiians.

''(2) ELIGIBLE HOUSING.—

''(A) IN GENERAL.—The loan will be used to construct, acquire, or rehabilitate not more than 4-family dwellings that are standard housing and are located on Hawaiian Home Lands for which a housing plan described in subparagraph (B) applies.

''(B) HOUSING PLAN.—A housing plan described in this subparagraph is a housing plan that—

''(i) has been submitted and approved by the Secretary under section 803 of the Native American Housing Assistance and Self-Determination Act of 1996; and

''(ii) provides for the use of loan guarantees under this section to provide affordable homeownership housing on Hawaiian Home Lands.

''(3) SECURITY.—The loan may be secured by any collateral authorized under applicable Federal or State law.

''(4) LENDERS.—

''(A) IN GENERAL.—The loan shall be made only by a lender approved by, and meeting qualifications established by, the Secretary, including any lender described in subparagraph (B), except that a loan otherwise insured or guaranteed by an agency of the Federal Government or made by the Department of Hawaiian Home Lands from amounts borrowed from the United States shall not be eligible for a guarantee under this section.

''(B) APPROVAL.—The following lenders shall be considered to be lenders that have been approved by the Secretary:

''(i) Any mortgagee approved by the Secretary for participation in the single family mortgage insurance program under title II of the National Housing Act (12 U.S.C.A. 1707 et seq.).

''(ii) Any lender that makes housing loans under chapter 37 of title 38, United States Code, that are automatically guaranteed under section 3702(d) of title 38, United States Code.

''(iii) Any lender approved by the Secretary of Agriculture to make guaranteed loans for single family housing under the Housing Act of 1949 (42 U.S.C.A. 1441 et seq.).

''(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government.

''(5) TERMS.—The loan shall—

''(A) be made for a term not exceeding 30 years;

''(B) bear interest (exclusive of the guarantee fee under subsection (d) and service charges, if any) at a rate agreed upon by the borrower and the lender and determined by the Secretary to be reasonable, but not to exceed the rate generally charged in the area (as determined by the Secretary) for home mortgage loans not guaranteed or insured by any agency or instrumentality of the Federal Government;

''(C) involve a principal obligation not exceeding—

''(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is $50,000 or less); or

''(ii) the amount approved by the Secretary under this section; and

''(D) involve a payment on account of the property—

''(i) in cash or its equivalent; or

''(ii) through the value of any improvements to the property made through the skilled or unskilled labor of the borrower, as the Secretary shall provide.

''(d) CERTIFICATE OF GUARANTEE.—

''(1) APPROVAL PROCESS.—

''(A) IN GENERAL.—Before the Secretary approves any loan for guarantee under this section, the lender shall submit the application for the loan to the Secretary for examination.

''(B) APPROVAL.—If the Secretary approves the application submitted under subparagraph (A), the Secretary shall issue a certificate under this subsection as evidence of the loan guarantee approved.

''(2) STANDARD FOR APPROVAL.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

''(3) EFFECT.—

''(A) IN GENERAL.—A certificate of guarantee issued under this subsection by the Secretary shall be conclusive evidence of the eligibility of the loan for guarantee under this section and the amount of that guarantee.

''(B) EVIDENCE.—The evidence referred to in subparagraph (A) shall be incontestable in the hands of the bearer.

''(C) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for the obligations made by the Secretary under this section.

''(4) FRAUD AND MISREPRESENTATION.—This subsection may not be construed—

''(A) to preclude the Secretary from establishing defenses against the original lender based on fraud or material misrepresentation; or

''(B) to bar the Secretary from establishing by regulations that are on the date of issuance or disbursement, whichever is earlier, partial defenses to the amount payable on the guarantee.

''(e) GUARANTEE FEE.—

''(1) IN GENERAL.—The Secretary shall fix and collect a guarantee fee for the guarantee of a loan under this section, which may not exceed the amount equal to 1 percent of the principal obligation of the loan.

''(2) PAYMENT.—The fee under this subsection shall—

''(A) be paid by the lender at time of issuance of the guarantee; and

''(B) be adequate, in the determination of the Secretary, to cover expenses and probable losses.

''(3) DEPOSIT.—The Secretary shall deposit any fees collected under this subsection in the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

''(f) LIABILITY UNDER GUARANTEE.—The liability under a guarantee provided under this section shall decrease or increase on a pro rata basis according to any decrease or increase in the amount of the unpaid obligation under the provisions of the loan agreement involved.

''(g) TRANSFER AND ASSUMPTION.—Notwithstanding any other provision of law, any loan guaranteed under this section, including the security given for the loan, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the Federal Government or of any State or the District of Columbia.

''(h) DISQUALIFICATION OF LENDERS AND CIVIL MONEY PENALTIES.—

''(1) IN GENERAL.—

''(A) GROUNDS FOR ACTION.—The Secretary may take action under subparagraph (B) if the Secretary determines that any lender or holder of a guarantee certificate under subsection (c)—

''(i) has failed—

''(I) to maintain adequate accounting records;

''(II) to service adequately loans guaranteed under this section; or

''(III) to exercise proper credit or underwriting judgment; or

''(ii) has engaged in practices otherwise detrimental to the interest of a borrower or the United States.

''(B) ACTIONS.—Upon a determination by the Secretary that a holder of a guarantee certificate under subsection (c) has failed to carry out an activity described in subparagraph (A)(i) or has engaged in practices described in subparagraph (A)(ii), the Secretary may—

''(i) refuse, either temporarily or permanently, to guarantee any further loans made by such lender or holder;

''(ii) bar such lender or holder from acquiring additional loans guaranteed under this section; and

''(iii) require that such lender or holder assume not less than 10 percent of any loss on further loans made or held by the lender or holder that are guaranteed under this section.

''(2) CIVIL MONEY PENALTIES FOR INTENTIONAL VIOLATIONS.—

''(A) IN GENERAL.—The Secretary may impose a civil monetary penalty on a lender or holder of a guarantee certificate under subsection (d) if the Secretary determines that the holder or lender has intentionally failed—

''(i) to maintain adequate accounting records;

''(ii) to adequately service loans guaranteed under this section; or

''(iii) to exercise proper credit or underwriting judgment.

''(B) PENALTIES.—A civil monetary penalty imposed under this paragraph shall be imposed in the manner and be in an amount provided under section 536 of the National Housing Act (12 U.S.C.A. 1735f–1) with respect to mortgagees and lenders under that Act.

''(3) PAYMENT ON LOANS MADE IN GOOD FAITH.—Notwithstanding paragraphs (1) and (2), if a loan was made in good faith, the Secretary may not refuse to pay a lender or holder of a valid guarantee on that loan, without regard to whether the lender or holder is barred under this subsection.

''(i) PAYMENT UNDER GUARANTEE.—

''(1) LENDER OPTIONS.—

''(A) IN GENERAL.—

''(i) NOTIFICATION.—If a borrower on a loan guaranteed under this section defaults on the loan, the holder of the guarantee certificate shall provide written notice of the default to the Secretary.

''(ii) PAYMENT.—Upon providing the notice required under clause (i), the holder of the guarantee certificate shall be entitled to payment under the guarantee (subject to the provisions of this section) and may proceed to obtain payment in one of the following manners:

''(I) FORECLOSURE.—

''(aa) IN GENERAL.—The holder of the certificate may initiate foreclosure proceedings (after providing written notice of that action to the Secretary).

''(bb) PAYMENT.—Upon a final order by the court authorizing foreclosure and submission to the Secretary of a claim for payment under the guarantee, the Secretary shall pay to the holder of the certificate the pro rata portion of the amount guaranteed (as determined pursuant to subsection (f)) plus reasonable fees and expenses as approved by the Secretary.

''(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

''(II) NO FORECLOSURE.—

''(aa) IN GENERAL.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interest of the United States.

''(bb) PAYMENT.—Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (f)).

''(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

''(B) REQUIREMENTS.—Before any payment under a guarantee is made under subparagraph (A), the holder of the guarantee shall exhaust all reasonable possibilities of collection. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines to be appropriate.

''(2) LIMITATIONS ON LIQUIDATION.—

''(A) IN GENERAL.—If a borrower defaults on a loan guaranteed under this section that involves a security interest in restricted Hawaiian Home Land property, the mortgagee or the Secretary shall only pursue liquidation after offering to transfer the account to another eligible Hawaiian family or the Department of Hawaiian Home Lands.

''(B) LIMITATION.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

''(j) HAWAIIAN HOUSING LOAN GUARANTEE FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

''(2) CREDITS.—The Guarantee Fund shall be credited with—

''(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

''(B) any amounts appropriated pursuant to paragraph (7);

''(C) any guarantee fees collected under subsection (d); and

''(D) any interest or earnings on amounts invested under paragraph (4).

''(3) USE.—Amounts in the Guarantee Fund shall be available, to the extent provided in appropriations Acts, for—

''(A) fulfilling any obligations of the Secretary with respect to loans guaranteed under this section, including the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans;

''(B) paying taxes, insurance, prior liens, expenses necessary to make fiscal adjustment in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed under this section or held by the Secretary;

''(C) acquiring such security property at foreclosure sales or otherwise;

''(D) paying administrative expenses in connection with this section; and

''(E) reasonable and necessary costs of rehabilitation and repair to properties that the Secretary holds or owns pursuant to this section.

''(4) INVESTMENT.—Any amounts in the Guarantee Fund determined by the Secretary to be in excess of amounts currently required at the time of the determination to carry out this section may be invested in obligations of the United States.

''(5) LIMITATION ON COMMITMENTS TO GUARANTEE LOANS AND MORTGAGES.—

''(A) REQUIREMENT OF APPROPRIATIONS.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent, or in such amounts as are, or have been, provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.

''(B) LIMITATIONS ON COSTS OF GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropriations Acts to cover the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loan guarantees for such fiscal year. Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

''(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section for each of fiscal years 2001, 2002, 2003, 2004, and 2005 with an aggregate outstanding principal amount not exceeding $100,000,000 for each such fiscal year.

''(6) LIABILITIES.—All liabilities and obligations of the assets credited to the Guarantee Fund under paragraph (2)(A) shall be liabilities and obligations of the Guarantee Fund.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

''(k) REQUIREMENTS FOR STANDARD HOUSING.—

''(1) IN GENERAL.—The Secretary shall, by regulation, establish housing safety and quality standards to be applied for use under this section.

''(2) STANDARDS.—The standards referred to in paragraph (1) shall—

''(A) provide sufficient flexibility to permit the use of various designs and materials in housing acquired with loans guaranteed under this section; and

''(B) require each dwelling unit in any housing acquired in the manner described in subparagraph (A) to—

''(i) be decent, safe, sanitary, and modest in size and design;

''(ii) conform with applicable general construction standards for the region in which the housing is located;

''(iii) contain a plumbing system that—

''(I) uses a properly installed system of piping;

''(II) includes a kitchen sink and a partitional bathroom with lavatory, toilet, and bath or shower; and

''(III) uses water supply, plumbing, and sewage disposal systems that conform to any minimum standards established by the applicable county or State;

''(iv) contain an electrical system using wiring and equipment properly installed to

safely supply electrical energy for adequate lighting and for operation of appliances that conforms to any appropriate county, State, or national code;

''(v) be not less than the size provided under the applicable locally adopted standards for size of dwelling units, except that the Secretary, upon request of the Department of Hawaiian Home Lands may waive the size requirements under this paragraph; and

''(vi) conform with the energy performance requirements for new construction established by the Secretary under section 526(a) of the National Housing Act (12 U.S.C.A. 1735f–4), unless the Secretary determines that the requirements are not applicable.

''(l) APPLICABILITY OF CIVIL RIGHTS STATUTES.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C.A. 3601 et seq.) apply to a guarantee provided under this subsection, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of the guarantee to an eligible entity on the basis that the entity serves Native Hawaiian families or is a Native Hawaiian family.''.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

SEC. 601. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the ''Manufactured Housing Improvement Act of 2000''.

(b) REFERENCES.—Whenever in this title an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

SEC. 602. FINDINGS AND PURPOSES.

Section 602 (42 U.S.C. 5401) is amended to read as follows:

''SEC. 602. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

''(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

''(b) PURPOSES.—The purposes of this title are—

''(1) to protect the quality, durability, safety, and affordability of manufactured homes;

''(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

''(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;

''(4) to encourage innovative and cost-effective construction techniques for manufactured homes;

''(5) to protect residents of manufactured homes with respect to personal injuries and the amount of insurance costs and property damages in manufactured housing, consistent with the other purposes of this section;

''(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

''(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

''(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.''.

SEC. 603. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking ''dealer'' and inserting ''retailer'';

(2) in paragraph (12), by striking ''and'' at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(14) 'administering organization' means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards through a development process;

''(15) 'consensus committee' means the committee established under section 604(a)(3);

''(16) 'consensus standards development process' means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

''(17) 'primary inspection agency' means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

''(18) 'design approval primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

''(19) 'installation standards' means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems;

''(20) 'monitoring' means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 623, in accordance with regulations promulgated under this title, giving due consideration to the recommendations of the consensus committee under section 604(b), which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this title; and

''(21) 'production inspection primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated hereunder, including the inspection of homes in the plant.''.

(b) CONFORMING AMENDMENTS.—The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) in section 613 (42 U.S.C. 5412), by striking ''dealer'' each place it appears and inserting ''retailer'';

(2) in section 614(f) (42 U.S.C. 5413(f)), by striking ''dealer'' each place it appears and inserting ''retailer'';

(3) in section 615 (42 U.S.C. 5414)—

(A) in subsection (b)(1), by striking ''dealer'' and inserting ''retailer'';

(B) in subsection (b)(3), by striking ''dealer or dealers'' and inserting ''retailer or retailers''; and

(C) in subsections (d) and (f), by striking ''dealers'' each place it appears and inserting ''retailers'';

(4) in section 616 (42 U.S.C. 5415), by striking ''dealer'' and inserting ''retailer''; and

(5) in section 623(c)(9), by striking ''dealers'' and inserting ''retailers''.

SEC. 604. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) ESTABLISHMENT.—

''(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

''(A) shall—

''(i) be reasonable and practical;

''(ii) meet high standards of protection consistent with the purposes of this title; and

''(iii) be performance-based and objectively stated, unless clearly inappropriate; and

''(B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

''(2) CONSENSUS STANDARDS AND REGULATORY DEVELOPMENT PROCESS.—

''(A) INITIAL AGREEMENT.—Not later than 180 days after the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall enter into a contract with an administering organization. The contractual agreement shall—

''(i) terminate on the date on which a contract is entered into under subparagraph (B); and

''(ii) require the administering organization to—

''(I) recommend the initial members of the consensus committee under paragraph (3);

''(II) administer the consensus standards development process until the termination of that agreement; and

''(III) administer the consensus development and interpretation process for procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring until the termination of that agreement.

''(B) COMPETITIVELY PROCURED CONTRACT.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in section 4 of the Office of Federal Procurement Policy Act), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations, and regulations specifying the permissible scope and conduct of monitoring, in accordance with this title.

''(C) PERFORMANCE REVIEW.—The Secretary—

''(i) shall periodically review the performance of the administering organization; and

''(ii) may replace the administering organization with another qualified technical or building code organization, pursuant to competitive procedures, if the Secretary determines in writing that the administering organization is not fulfilling the terms of the

agreement or contract to which the administering organization is subject or upon the expiration of the agreement or contract.

''(3) CONSENSUS COMMITTEE.—

''(A) PURPOSE.—There is established a committee to be known as the 'consensus committee', which shall, in accordance with this title—

''(i) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

''(ii) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with subsection (b);

''(iii) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation; and

''(iv) be deemed to be an advisory committee not composed of Federal employees.

''(B) MEMBERSHIP.—The consensus committee shall be composed of—

''(i) 21 voting members appointed by the Secretary, after consideration of the recommendations of the administering organization, from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and

''(ii) 1 nonvoting member appointed by the Secretary to represent the Secretary on the consensus committee.

''(C) DISAPPROVAL.—The Secretary shall state, in writing, the reasons for failing to appoint any individual recommended under paragraph (2)(A)(ii)(I).

''(D) SELECTION PROCEDURES AND REQUIREMENTS.—Each member of the consensus committee shall be appointed in accordance with selection procedures, which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), except that the American National Standards Institute interest categories shall be modified for purposes of this paragraph to ensure equal representation on the consensus committee of the following interest categories:

''(i) PRODUCERS.—Seven producers or retailers of manufactured housing.

''(ii) USERS.—Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.

''(iii) GENERAL INTEREST AND PUBLIC OFFICIALS.—Seven general interest and public official members.

''(E) BALANCING OF INTERESTS.—

''(i) IN GENERAL.—In order to achieve a proper balance of interests on the consensus committee, the Secretary, in appointing the members of the consensus committee—

''(I) shall ensure that all directly and materially affected interests have the opportunity for fair and equitable participation without dominance by any single interest; and

''(II) may reject the appointment of any 1 or more individuals in order to ensure that there is not dominance by any single interest.

''(ii) DOMINANCE DEFINED.—In this subparagraph, the term 'dominance' means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

''(F) ADDITIONAL QUALIFICATIONS.—

''(i) FINANCIAL INDEPENDENCE.—No individual appointed under subparagraph (D)(ii) shall have, and 3 of the individuals appointed under subparagraph (D)(iii) shall not have—

''(I) a significant financial interest in any segment of the manufactured housing industry; or

''(II) a significant relationship to any person engaged in the manufactured housing industry.

''(ii) POST-EMPLOYMENT BAN.—Each individual described in clause (i) shall be subject to a ban disallowing compensation from the manufactured housing industry during the period of, and during the 1-year following, the membership of the individual on the consensus committee.

''(G) MEETINGS.—

''(i) NOTICE; OPEN TO PUBLIC.—The consensus committee shall provide advance notice of each meeting of the consensus committee to the Secretary and cause to be published in the Federal Register advance notice of each such meeting. All meetings of the consensus committee shall be open to the public.

''(ii) REIMBURSEMENT.—Members of the consensus committee in attendance at meetings of the consensus committee shall be reimbursed for their actual expenses as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

''(H) ADMINISTRATION.—The consensus committee and the administering organization shall—

''(i) operate in conformance with the procedures established by the American National Standards Institute for the development and coordination of American National Standards; and

''(ii) apply to the American National Standards Institute and take such other actions as may be necessary to obtain accreditation from the American National Standards Institute.

''(I) STAFF AND TECHNICAL SUPPORT.—The administering organization shall, upon the request of the consensus committee—

''(i) provide reasonable staff resources to the consensus committee; and

''(ii) furnish technical support in a timely manner to any of the interest categories described in subparagraph (D) represented on the consensus committee, if—

''(I) the support is necessary to ensure the informed participation of the consensus committee members; and

''(II) the costs of providing the support are reasonable.

''(J) DATE OF INITIAL APPOINTMENTS.—The initial appointments of all of the members of the consensus committee shall be completed not later than 90 days after the date on which a contractual agreement under paragraph (2)(A) is entered into with the administering organization.

''(4) REVISIONS OF STANDARDS.—

''(A) IN GENERAL.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—

''(i) consider revisions to the Federal manufactured home construction and safety standards; and

''(ii) submit proposed revised standards, if approved in a vote of the consensus committee by ⅔ of the members, to the Secretary in the form of a proposed rule, including an economic analysis.

''(B) PUBLICATION OF PROPOSED REVISED STANDARDS.—

''(i) PUBLICATION BY SECRETARY.—The consensus committee shall provide a proposed revised standard under subparagraph (A)(ii) to the Secretary who shall, not later than 30 days after receipt, cause such proposed revised standard to be published in the Federal Register for notice and comment in accordance with section 553 of title 5, United States Code. Unless clause (ii) applies, the Secretary shall provide an opportunity for public comment on such proposed revised standard in accordance with such section 553 and any such comments shall be submitted directly to the consensus committee, without delay.

''(ii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS.—If the Secretary rejects the proposed revised standard, the Secretary shall cause to be published in the Federal Register the rejected proposed revised standard, the reasons for rejection, and any recommended modifications set forth.

''(C) PRESENTATION OF PUBLIC COMMENTS; PUBLICATION OF RECOMMENDED REVISIONS.—

''(i) PRESENTATION.—Any public comments, views, and objections to a proposed revised standard published under subparagraph (B) shall be presented by the Secretary to the consensus committee upon their receipt and in the manner received, in accordance with procedures established by the American National Standards Institute.

''(ii) PUBLICATION BY THE SECRETARY.—The consensus committee shall provide to the Secretary any revision proposed by the consensus committee, which the Secretary shall, not later than 30 calendar days after receipt, cause to be published in the Federal Register a notice of the recommended revisions of the consensus committee to the standards, a notice of the submission of the recommended revisions to the Secretary, and a description of the circumstances under which the proposed revised standards could become effective.

''(iii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS.—If the Secretary rejects the proposed revised standard, the Secretary shall cause to be published in the Federal Register the rejected proposed revised standard, the reasons for rejection, and any recommended modifications set forth.

''(5) REVIEW BY THE SECRETARY.—

''(A) IN GENERAL.—The Secretary shall either adopt, modify, or reject a standard, as submitted by the consensus committee under paragraph (4)(A).

''(B) TIMING.—Not later than 12 months after the date on which a standard is submitted to the Secretary by the consensus committee, the Secretary shall take action regarding such standard under subparagraph (C).

''(C) PROCEDURES.—If the Secretary—

''(i) adopts a standard recommended by the consensus committee, the Secretary shall—

''(I) issue a final order without further rulemaking; and

''(II) cause the final order to be published in the Federal Register;

''(ii) determines that any standard should be rejected, the Secretary shall—

''(I) reject the standard; and

''(II) cause to be published in the Federal Register a notice to that effect, together with the reason or reasons for rejecting the proposed standard; or

''(iii) determines that a standard recommended by the consensus committee should be modified, the Secretary shall—

''(I) cause to be published in the Federal Register the proposed modified standard, together with an explanation of the reason or reasons for the determination of the Secretary; and

''(II) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(D) FINAL ORDER.—Any final standard under this paragraph shall become effective pursuant to subsection (c).

''(6) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (5) and to cause notice of the action to be published in the Federal Register before the expiration of the 12-month period beginning on the date on which the proposed revised standard is submitted to the Secretary under paragraph (4)(A)—

''(A) the Secretary shall appear in person before the appropriate housing and appropriations subcommittees and committees of the House of Representatives and the Senate (referred to in this paragraph as the 'committees') on a date or dates to be specified by the committees, but in no event later than 30 days after the expiration of that 12-month period, and shall state before the committees the reasons for failing to take final action as required under paragraph (5); and

''(B) if the Secretary does not appear in person as required under subparagraph (A), the Secretary shall thereafter, and until such time as the Secretary does appear as required under subparagraph (A), be prohibited from expending any funds collected under authority of this title in an amount greater than that collected and expended in the fiscal year immediately preceding the date of enactment of the Manufactured Housing Improvement Act of 2000, indexed for inflation as determined by the Congressional Budget Office.

''(b) OTHER ORDERS.—

''(1) REGULATIONS.—The Secretary may issue procedural and enforcement regulations and revisions to existing regulations as necessary to implement the provisions of this title. The consensus committee may submit to the Secretary proposed procedural and enforcement regulations and recommendations for the revision of such regulations.

''(2) INTERPRETATIVE BULLETINS.—The Secretary may issue interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. The consensus committee may submit to the Secretary proposed interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation.

''(3) REVIEW BY CONSENSUS COMMITTEE.—Before issuing a procedural or enforcement regulation or an interpretative bulletin—

''(A) the Secretary shall—

''(i) submit the proposed procedural or enforcement regulation or interpretative bulletin to the consensus committee; and

''(ii) provide the consensus committee with a period of 120 days to submit written comments to the Secretary on the proposed procedural or enforcement regulation or the interpretative bulletin; and

''(B) if the Secretary rejects any significant comment provided by the consensus committee under subparagraph (A), the Secretary shall provide a written explanation of the reasons for the rejection to the consensus committee; and

''(C) following compliance with subparagraphs (A) and (B), the Secretary shall—

''(i) cause the proposed regulation or interpretative bulletin and the consensus committee's written comments, along with the Secretary's response thereto, to be published in the Federal Register; and

''(ii) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(4) REQUIRED ACTION.—Not later than 120 days after the date on which the Secretary receives a proposed regulation or interpretative bulletin submitted by the consensus committee, the Secretary shall—

''(A) approve the proposal and cause the proposed regulation or interpretative bulletin to be published for public comment in accordance with section 553 of title 5, United States Code; or

''(B) reject the proposed regulation or interpretative bulletin and—

''(i) provide to the consensus committee a written explanation of the reasons for rejection; and

''(ii) cause to be published in the Federal Register the rejected proposed regulation or interpretive bulletin, the reasons for rejection, and any recommended modifications set forth.

''(5) AUTHORITY TO ACT AND EMERGENCY.—If the Secretary determines, in writing, that such action is necessary to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation following a request by the Secretary, or in order to respond to an emergency that jeopardizes the public health or safety, the Secretary may issue an order that is not developed under the procedures set forth in subsection (a) or in this subsection, if the Secretary—

''(A) provides to the consensus committee a written description and sets forth the reasons why action is necessary and all supporting documentation; and

''(B) issues the order after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code, and causes the order to be published in the Federal Register.

''(6) CHANGES.—Any statement of policies, practices, or procedures relating to construction and safety standards, regulations, inspections, monitoring, or other enforcement activities that constitutes a statement of general or particular applicability to implement, interpret, or prescribe law or policy by the Secretary is subject to subsection (a) or this subsection. Any change adopted in violation of subsection (a) or this subsection is void.

''(7) TRANSITION.—Until the date on which the consensus committee is appointed pursuant to section 604(a)(3), the Secretary may issue proposed orders, pursuant to notice and comment in accordance with section 553 of title 5, United States Code, that are not developed under the procedures set forth in this section for new and revised standards.'';

(2) in subsection (d), by adding at the end the following: ''Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this title. Subject to section 605, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State, and for the foundations on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards, except that such standards shall be consistent with the purposes of this title and shall be consistent with the design of the manufacturer.'';

(3) by striking subsection (e);

(4) in subsection (f), by striking the subsection designation and all of the matter that precedes paragraph (1) and inserting the following:

''(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS AND REGULATIONS.—The consensus committee, in recommending standards, regulations, and interpretations, and the Secretary, in establishing standards or regulations or issuing interpretations under this section, shall—'';

(5) by striking subsection (g);

(6) in the first sentence of subsection (j), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(7) by redesignating subsections (h), (i), and (j), as subsections (f), (g), and (h), respectively.

SEC. 605. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL; MANUFACTURED HOME INSTALLATION.

(a) IN GENERAL.—Section 605 (42 U.S.C. 5404) is amended to read as follows:

''SEC. 605. MANUFACTURED HOME INSTALLATION.

''(a) PROVISION OF INSTALLATION DESIGN AND INSTRUCTIONS.—A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency. After establishment of model standards under subsection (b)(2), a design approval primary inspection agency may not give such approval unless a design and instruction provides equal or greater protection than the protection provided under such model standards.

''(b) MODEL MANUFACTURED HOME INSTALLATION STANDARDS.—

''(1) PROPOSED MODEL STANDARDS.—Not later than 18 months after the date on which the initial appointments of all of the members of the consensus committee are completed, the consensus committee shall develop and submit to the Secretary proposed model manufactured home installation standards, which shall, to the maximum extent practicable, taking into account the factors described in section 604(e), be consistent with—

''(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

''(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

''(2) ESTABLISHMENT OF MODEL STANDARDS.—Not later than 12 months after receiving the proposed model standards submitted under paragraph (1), the Secretary shall develop and establish model manufactured home installation standards, which shall, to the maximum extent practicable, taking into account the factors described in section 604(e), be consistent with—

''(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

''(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

''(3) FACTORS FOR CONSIDERATION.—

''(A) CONSENSUS COMMITTEE.—In developing the proposed model standards under paragraph (1), the consensus committee shall consider the factors described in section 604(e).

''(B) SECRETARY.—In developing and establishing the model standards under paragraph (2), the Secretary shall consider the factors described in section 604(e).

''(4) ISSUANCE.—The model manufactured home installation standards shall be issued

after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(c) MANUFACTURED HOME INSTALLATION PROGRAMS.—

''(1) PROTECTION OF MANUFACTURED HOUSING RESIDENTS DURING INITIAL PERIOD.—During the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, no State or manufacturer may establish or implement any installation standards that, in the determination of the Secretary, provide less protection to the residents of manufactured homes than the protection provided by the installation standards in effect with respect to the State or manufacturer, as applicable, on the date of enactment of the Manufactured Housing Improvement Act of 2000.

''(2) INSTALLATION STANDARDS.—

''(A) ESTABLISHMENT OF INSTALLATION PROGRAM.—Not later than the expiration of the 5-year period described in paragraph (1), the Secretary shall establish an installation program that meets the requirements of paragraph (3) for the enforcement of installation standards in each State described in subparagraph (B) of this paragraph.

''(B) IMPLEMENTATION OF INSTALLATION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the installation program established under subparagraph (A) in each State that does not have an installation program established by State law that meets the requirements of paragraph (3).

''(C) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out subparagraph (B), the Secretary may contract with an appropriate agent to implement the installation program established under that subparagraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.

''(3) REQUIREMENTS.—An installation program meets the requirements of this paragraph if it is a program regulating the installation of manufactured homes that includes—

''(A) installation standards that, in the determination of the Secretary, provide protection to the residents of manufactured homes that equals or exceeds the protection provided to those residents by—

''(i) the model manufactured home installation standards established by the Secretary under subsection (b)(2); or

''(ii) the designs and instructions provided by manufacturers under subsection (a), if the Secretary determines that such designs and instructions provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the model manufactured home installation standards established by the Secretary under subsection (b)(2);

''(B) the training and licensing of manufactured home installers; and

''(C) inspection of the installation of manufactured homes.''.

(b) CONFORMING AMENDMENTS.—Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) by redesignating paragraph (11) as paragraph (13); and

(3) by inserting after paragraph (10) the following:

''(11) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for an installation program established by State law that meets the requirements of section 605(c)(3);''.

SEC. 606. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting ''to the Secretary'' after ''submit''; and

(B) by adding at the end the following: ''The Secretary shall submit such cost and other information to the consensus committee for evaluation.'';

(2) in subsection (d), by inserting '', the consensus committee,'' after ''public''; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 607. RESEARCH, TESTING, DEVELOPMENT, AND TRAINING.

(a) IN GENERAL.—Section 608(a) (42 U.S.C. 5407(a)) is amended—

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

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(4) encouraging the government-sponsored housing entities to actively develop and implement secondary market securitization programs for the FHA manufactured home loans and those of other loan programs, as appropriate, thereby promoting the availability of affordable manufactured homes to increase homeownership for all people in the United States; and

''(5) reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes, including changes in loan terms, amortization periods, regulations, and procedures.''.

(b) DEFINITIONS.—Section 608 (42 U.S.C. 5407) is amended by adding at the end the following:

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) GOVERNMENT-SPONSORED HOUSING ENTITIES.—The term 'government-sponsored housing entities' means the Government National Mortgage Association of the Department of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

''(2) FHA MANUFACTURED HOME LOAN.—The term 'FHA manufactured home loan' means a loan that—

''(A) is insured under title I of the National Housing Act and is made for the purpose of financing alterations, repairs, or improvements on or in connection with an existing manufactured home, the purchase of a manufactured home, the purchase of a manufactured home and a lot on which to place the home, or the purchase only of a lot on which to place a manufactured home; or

''(B) is otherwise insured under the National Housing Act and made for or in connection with a manufactured home.''.

SEC. 608. PROHIBITED ACTS.

Section 610(a) (42 U.S.C. 5409(a)) is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

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

''(7) after the expiration of the period specified in section 605(c)(2)(B), fail to comply with the requirements for the installation program required by section 605 in any State that has not adopted and implemented a State installation program.''.

SEC. 609. FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

''SEC. 620. AUTHORITY TO COLLECT FEE.

''(a) IN GENERAL.—In carrying out inspections under this title, in developing standards and regulations pursuant to section 604, and in facilitating the acceptance of the affordability and availability of manufactured housing within the Department, the Secretary may—

''(1) establish and collect from manufactured home manufacturers a reasonable fee, as may be necessary to offset the expenses incurred by the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

''(A) conducting inspections and monitoring;

''(B) providing funding to States for the administration and implementation of approved State plans under section 623, including reasonable funding for cooperative educational and training programs designed to facilitate uniform enforcement under this title, which funds may be paid directly to the States or may be paid or provided to any person or entity designated to receive and disburse such funds by cooperative agreements among participating States, provided that such person or entity is not otherwise an agent of the Secretary under this title;

''(C) providing the funding for a noncareer administrator within the Department to administer the manufactured housing program;

''(D) providing the funding for salaries and expenses of employees of the Department to carry out the manufactured housing program;

''(E) administering the consensus committee as set forth in section 604;

''(F) facilitating the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department; and

''(G) the administration and enforcement of the installation standards authorized by section 605 in States in which the Secretary is required to implement an installation program after the expiration of the 5-year period set forth in section 605(c)(2)(B), and the administration and enforcement of a dispute resolution program described in section 623(c)(12) in States in which the Secretary is required to implement such a program after the expiration of the 5-year period set forth in section 623(g)(2); and

''(2) subject to subsection (e), use amounts from any fee collected under paragraph (1) of this subsection to pay expenses referred to in that paragraph, which shall be exempt and separate from any limitations on the Department regarding full-time equivalent positions and travel.

''(b) CONTRACTORS.—In using amounts from any fee collected under this section, the Secretary shall ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title.

''(c) PROHIBITED USE.—No amount from any fee collected under this section may be used for any purpose or activity not specifically authorized by this title, unless such activity was already engaged in by the Secretary prior to the date of enactment of the Manufactured Housing Improvement Act of 2000.

''(d) MODIFICATION.—Beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the amount of any fee collected under this section may only be modified—

''(1) as specifically authorized in advance in an annual appropriations Act; and

''(2) pursuant to rulemaking in accordance with section 553 of title 5, United States Code.

''(e) APPROPRIATION AND DEPOSIT OF FEES.—

''(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Manufactured Housing Fees Trust Fund' for deposit of amounts from any fee collected under this section. Such amounts shall be held in trust for use only as provided in this title.

''(2) APPROPRIATION.—Amounts from any fee collected under this section shall be available for expenditure only to the extent approved in advance in an annual appropriations Act. Any change in the expenditure of such amounts shall be specifically authorized in advance in an annual appropriations Act.

''(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act of 2000, the Secretary shall continue to fund the States having approved State plans in the amounts which are not less than the allocated amounts, based on the fee distribution system in effect on the day before such effective date.''.

SEC. 610. DISPUTE RESOLUTION.

Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) by inserting after paragraph (11) (as added by the preceding provisions of this title) the following:

''(12) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes regarding responsibility, and for the issuance of appropriate orders, for the correction or repair of defects in manufactured homes that are reported during the 1-year period beginning on the date of installation; and''; and

(2) by adding at the end the following:

''(g) ENFORCEMENT OF DISPUTE RESOLUTION STANDARDS.—

''(1) ESTABLISHMENT OF DISPUTE RESOLUTION PROGRAM.—Not later than the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall establish a dispute resolution program that meets the requirements of subsection (c)(12) for dispute resolution in each State described in paragraph (2) of this subsection. The order establishing the dispute resolution program shall be issued after notice and opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(2) IMPLEMENTATION OF DISPUTE RESOLUTION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the dispute resolution program established under paragraph (1) in each State that has not established a dispute resolution program that meets the requirements of subsection (c)(12).

''(3) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out paragraph (2), the Secretary may contract with an appropriate agent to implement the dispute resolution program established under paragraph (2), except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.''.

SEC. 611. ELIMINATION OF ANNUAL REPORTING REQUIREMENT.

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) by striking section 626 (42 U.S.C. 5425); and

(2) by redesignating sections 627 and 628 (42 U.S.C. 5426, 5401 note) as sections 626 and 627, respectively.

SEC. 612. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before that date of enactment.

SEC. 613. SAVINGS PROVISIONS.

(a) STANDARDS AND REGULATIONS.—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974) and all regulations pertaining thereto in effect on the day before the date of enactment of this Act shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation that is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this title.

(b) CONTRACTS.—Any contract awarded pursuant to a Request for Proposal issued before the date of enactment of this Act shall remain in effect until the earlier of—

(1) the expiration of the 2-year period beginning on the date of enactment of this Act; or

(2) the expiration of the contract term.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

SEC. 701. GUARANTEES FOR REFINANCING OF RURAL HOUSING LOANS.

Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

''(13) GUARANTEES FOR REFINANCING LOANS.—

''(A) IN GENERAL.—Upon the request of the borrower, the Secretary shall, to the extent provided in appropriation Acts and subject to subparagraph (F), guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the requirements of this paragraph.

''(B) INTEREST RATE.—To be eligible for a guarantee under this paragraph, the refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

''(C) SECURITY.—To be eligible for a guarantee under this paragraph, the refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

''(D) AMOUNT.—To be eligible for a guarantee under this paragraph, the principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 200 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

''(E) OTHER REQUIREMENTS.—The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), (6)(A), (7), and (9) shall apply to loans guaranteed under this paragraph, and no other provisions of paragraphs (1) through (12) shall apply to such loans.

''(F) AUTHORITY TO ESTABLISH LIMITATION.—The Secretary may establish limitations on the number of loans guaranteed under this paragraph, which shall be based on market conditions and other factors as the Secretary considers appropriate.''.

SEC. 702. PROMISSORY NOTE REQUIREMENT UNDER HOUSING REPAIR LOAN PROGRAM.

The fourth sentence of section 504(a) of the Housing Act of 1949 (42 U.S.C. 1474(a)) is amended by striking ''$2,500'' and inserting ''$7,500''.

SEC. 703. LIMITED PARTNERSHIP ELIGIBILITY FOR FARM LABOR HOUSING LOANS.

The first sentence of section 514(a) of the Housing Act of 1949 (42 U.S.C. 1484(a)) is amended by striking ''nonprofit limited partnership'' and inserting ''limited partnership''.

SEC. 704. PROJECT ACCOUNTING RECORDS AND PRACTICES.

Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by striking subsection (z) and inserting the following new subsections:

''(z) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

''(1) ACCOUNTING STANDARDS.—The Secretary shall require that borrowers in programs authorized by this section maintain accounting records in accordance with generally accepted accounting principles for all projects that receive funds from loans made or guaranteed by the Secretary under this section.

''(2) RECORD RETENTION REQUIREMENTS.—The Secretary shall require that borrowers in programs authorized by this section retain for a period of not less than 6 years and make available to the Secretary in a manner determined by the Secretary, all records required to be maintained under this subsection and other records identified by the Secretary in applicable regulations.

''(aa) DOUBLE DAMAGES FOR UNAUTHORIZED USE OF HOUSING PROJECTS ASSETS AND INCOME.—

''(1) ACTION TO RECOVER ASSETS OR INCOME.—

''(A) IN GENERAL.—The Secretary may request the Attorney General to bring an action in a United States district court to recover any assets or income used by any person in violation of the provisions of a loan made or guaranteed by the Secretary under this section or in violation of any applicable statute or regulation.

''(B) IMPROPER DOCUMENTATION.—For purposes of this subsection, a use of assets or income in violation of the applicable loan, loan guarantee, statute, or regulation shall include any use for which the documentation in the books and accounts does not establish that the use was made for a reasonable operating expense or necessary repair of the project or for which the documentation has not been maintained in accordance with the requirements of the Secretary and in reasonable condition for proper audit.

''(C) DEFINITION.—For the purposes of this subsection, the term 'person' means—

''(i) any individual or entity that borrows funds in accordance with programs authorized by this section;

''(ii) any individual or entity holding 25 percent or more interest of any entity that

borrows funds in accordance with programs authorized by this section; and

''(iii) any officer, director, or partner of an entity that borrows funds in accordance with programs authorized by this section.

''(2) AMOUNT RECOVERABLE.—

''(A) IN GENERAL.—In any judgment favorable to the United States entered under this subsection, the Attorney General may recover double the value of the assets and income of the project that the court determines to have been used in violation of the provisions of a loan made or guaranteed by the Secretary under this section or any applicable statute or regulation, plus all costs related to the action, including reasonable attorney and auditing fees.

''(B) APPLICATION OF RECOVERED FUNDS.—Notwithstanding any other provision of law, the Secretary may use amounts recovered under this subsection for activities authorized under this section and such funds shall remain available for such use until expended.

''(3) TIME LIMITATION.—Notwithstanding any other provision of law, an action under this subsection may be commenced at any time during the 6-year period beginning on the date that the Secretary discovered or should have discovered the violation of the provisions of this section or any related statutes or regulations.

''(4) CONTINUED AVAILABILITY OF OTHER REMEDIES.—The remedy provided in this subsection is in addition to and not in substitution of any other remedies available to the Secretary or the United States.''.

SEC. 705. DEFINITION OF RURAL AREA.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking ''1990 decennial census'' and inserting ''1990 or 2000 decennial census''; and

(2) by striking ''year 2000'' and inserting ''year 2010''.

SEC. 706. OPERATING ASSISTANCE FOR MIGRANT FARMWORKERS PROJECTS.

The last sentence of section 521(a)(5)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)(A)) is amended by striking ''project'' and inserting ''tenant or unit''.

SEC. 707. MULTIFAMILY RENTAL HOUSING LOAN GUARANTEE PROGRAM.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (c), by inserting ''an Indian tribe,'' after ''thereof,'';

(2) in subsection (f), by striking paragraph (1) and inserting the following new paragraph:

''(1) be made for a period of not less than 25 nor greater than 40 years from the date the loan was made and may provide for amortization of the loan over a period of not to exceed 40 years with a final payment of the balance due at the end of the loan term;'';

(3) in subsection (i)(2), by striking ''(A) conveyance to the Secretary'' and all that follows through ''(C) assignment'' and inserting ''(A) submission to the Secretary of a claim for payment under the guarantee, and (B) assignment'';

(4) in subsection (s), by adding at the end the following new subsection:

''(4) INDIAN TRIBE.—The term 'Indian tribe' means—

''(A) any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation, as defined by or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.); or

''(B) any entity established by the governing body of an Indian tribe described in subparagraph (A) for the purpose of financing economic development.'';

(5) in subsection (t), by inserting before the period at the end the following: ''to provide guarantees under this section for eligible loans having an aggregate principal amount of $500,000,000'';

(6) by striking subsection (l);

(7) by redesignating subsections (m) through (u) as subsections (l) through (t), respectively; and

(8) by adding at the end the following new subsections:

''(u) FEE AUTHORITY.—Any amounts collected by the Secretary pursuant to the fees charged to lenders for loan guarantees issued under this section shall be used to offset costs (as defined by section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of loan guarantees made under this section.

''(v) DEFAULTS OF LOANS SECURED BY RESERVATION LANDS.—In the event of a default involving a loan to an Indian tribe or tribal corporation made under this section which is secured by an interest in land within such tribe's reservation (as determined by the Secretary of the Interior), including a community in Alaska incorporated by the Secretary of the Interior pursuant to the Indian Reorganization Act (25 U.S.C. 461 et seq.), the lender shall only pursue liquidation after offering to transfer the account to an eligible tribal member, the tribe, or the Indian housing authority serving the tribe. If the lender subsequently proceeds to liquidate the account, the lender shall not sell, transfer, or otherwise dispose of or alienate the property except to one of the entities described in the preceding sentence.''.

SEC. 708. ENFORCEMENT PROVISIONS.

(a) IN GENERAL.—Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding after section 542 the following:

''SEC. 543. ENFORCEMENT PROVISIONS.

''(a) EQUITY SKIMMING.—

''(1) CRIMINAL PENALTY.—Whoever, as an owner, agent, employee, or manager, or is otherwise in custody, control, or possession of property that is security for a loan made or guaranteed under this title, willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

''(2) CIVIL SANCTIONS.—An entity or individual who as an owner, operator, employee, or manager, or who acts as an agent for a property that is security for a loan made or guaranteed under this title where any part of the rents, assets, proceeds, income, or other funds derived from such property are used for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be subject to a fine of not more than $25,000 per violation. The sanctions provided in this paragraph may be imposed in addition to any other civil sanctions or civil monetary penalties authorized by law.

''(b) CIVIL MONETARY PENALTIES.—

''(1) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing, impose a civil monetary penalty in accordance with this subsection against any individual or entity, including its owners, officers, directors, general partners, limited partners, or employees, who knowingly and materially violate, or participate in the violation of, the provisions of this title, the regulations issued by the Secretary pursuant to this title, or agreements made in accordance with this title, by—

''(A) submitting information to the Secretary that is false;

''(B) providing the Secretary with false certifications;

''(C) failing to submit information requested by the Secretary in a timely manner;

''(D) failing to maintain the property subject to loans made or guaranteed under this title in good repair and condition, as determined by the Secretary;

''(E) failing to provide management for a project which received a loan made or guaranteed under this title that is acceptable to the Secretary; or

''(F) failing to comply with the provisions of applicable civil rights statutes and regulations.

''(2) CONDITIONS FOR RENEWAL OR EXTENSION.—The Secretary may require that expiring loan or assistance agreements entered into under this title shall not be renewed or extended unless the owner executes an agreement to comply with additional conditions prescribed by the Secretary, or executes a new loan or assistance agreement in the form prescribed by the Secretary.

''(3) AMOUNT.—

''(A) IN GENERAL.—The amount of a civil monetary penalty imposed under this subsection shall not exceed the greater of—

''(i) twice the damages the Department of Agriculture, the guaranteed lender, or the project that is secured for a loan under this section suffered or would have suffered as a result of the violation; or

''(ii) $50,000 per violation.

''(B) DETERMINATION.—In determining the amount of a civil monetary penalty under this subsection, the Secretary shall take into consideration—

''(i) the gravity of the offense;

''(ii) any history of prior offenses by the violator (including offenses occurring prior to the enactment of this section);

''(iii) the ability of the violator to pay the penalty;

''(iv) any injury to tenants;

''(v) any injury to the public;

''(vi) any benefits received by the violator as a result of the violation;

''(vii) deterrence of future violations; and

''(viii) such other factors as the Secretary may establish by regulation.

''(4) PAYMENT OF PENALTIES.—No payment of a penalty assessed under this section may be made from funds provided under this title or from funds of a project which serve as security for a loan made or guaranteed under this title.

''(5) REMEDIES FOR NONCOMPLIANCE.—

''(A) JUDICIAL INTERVENTION.—If a person or entity fails to comply with a final determination by the Secretary imposing a civil monetary penalty under this subsection, the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against such individual or entity and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorney's fees and other expenses incurred by the United States in connection with the action.

''(B) REVIEWABILITY OF DETERMINATION.—In an action under this paragraph, the validity and appropriateness of a determination by the Secretary imposing the penalty shall not be subject to review.''.

(b) CONFORMING AMENDMENT.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by striking subsection (j).

SEC. 709. AMENDMENTS TO TITLE 18 OF UNITED STATES CODE.

(a) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming),'' after ''coupons having a value of not less than $5,000,''.

(b) OBSTRUCTION OF FEDERAL AUDITS.—Section 1516(a) of title 18, United States Code, is amended by inserting ''or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949,'' before ''shall be fined under this title''.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

SEC. 801. SHORT TITLE.

This title may be cited as the ''Affordable Housing for Seniors and Families Act''.

SEC. 802. REGULATIONS.

The Secretary of Housing and Urban Development (referred to in this title as the ''Secretary'') shall issue any regulations to carry out this title and the amendments made by this title that the Secretary determines may or will affect tenants of federally assisted housing only after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). Notice of such proposed rulemaking shall be provided by publication in the Federal Register. In issuing such regulations, the Secretary shall take such actions as may be necessary to ensure that such tenants are notified of, and provided an opportunity to participate in, the rulemaking, as required by such section 553.

SEC. 803. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this title and the amendments made by this title are effective as of the date of enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability upon another date certain.

(b) EFFECT OF REGULATORY AUTHORITY.—Any authority in this title or the amendments made by this title to issue regulations, and any specific requirement to issue regulations by a date certain, may not be construed to affect the effectiveness or applicability of the provisions of this title or the amendments made by this title under such provisions and amendments and subsection (a) of this section.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

SEC. 811. PREPAYMENT AND REFINANCING.

(a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) relating to the project; and

(2) the prepayment may involve refinancing of the loan if such refinancing results in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan.

(b) SOURCES OF REFINANCING.—In the case of prepayment under this section involving refinancing, the project sponsor may refinance the project through any third party source, including financing by State and local housing finance agencies, use of tax-exempt bonds, multi-family mortgage insurance under the National Housing Act, reinsurance, or other credit enhancements, including risk sharing as provided under section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note). For purposes of underwriting a loan insured under the National Housing Act, the Secretary may assume that any section 8 rental assistance contract relating to a project will be renewed for the term of such loan.

(c) USE OF UNEXPENDED AMOUNTS.—Upon execution of the refinancing for a project pursuant to this section, the Secretary shall make available at least 50 percent of the annual savings resulting from reduced section 8 or other rental housing assistance contracts in a manner that is advantageous to the tenants, including—

(1) not more than 15 percent of the cost of increasing the availability or provision of supportive services, which may include the financing of service coordinators and congregate services;

(2) rehabilitation, modernization, or retrofitting of structures, common areas, or individual dwelling units;

(3) construction of an addition or other facility in the project, including assisted living facilities (or, upon the approval of the Secretary, facilities located in the community where the project sponsor refinances a project under this section, or pools shared resources from more than 1 such project); or

(4) rent reduction of unassisted tenants residing in the project according to a pro rata allocation of shared savings resulting from the refinancing.

(d) USE OF CERTAIN PROJECT FUNDS.—The Secretary shall allow a project sponsor that is prepaying and refinancing a project under this section—

(1) to use any residual receipts held for that project in excess of $500 per individual dwelling unit for not more than 15 percent of the cost of activities designed to increase the availability or provision of supportive services; and

(2) to use any reserves for replacement in excess of $1,000 per individual dwelling unit for activities described in paragraphs (2) and (3) of subsection (c).

(e) BUDGET ACT COMPLIANCE.—This section shall be effective only to extent or in such amounts that are provided in advance in appropriation Acts.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

SEC. 821. SUPPORTIVE HOUSING FOR ELDERLY PERSONS.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended by adding at the end the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for providing assistance under this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003.''.

SEC. 822. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended by striking subsection (m) and inserting the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for providing assistance under this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003.''.

SEC. 823. SERVICE COORDINATORS AND CONGREGATE SERVICES FOR ELDERLY AND DISABLED HOUSING.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2001, 2002, and 2003, for the following purposes:

(1) GRANTS FOR SERVICE COORDINATORS FOR CERTAIN FEDERALLY ASSISTED MULTIFAMILY HOUSING.—For grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for providing service coordinators.

(2) CONGREGATE SERVICES FOR FEDERALLY ASSISTED HOUSING.—For contracts under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) to provide congregate services programs for eligible residents of eligible housing projects under subparagraphs (B) through (D) of subsection (k)(6) of such section.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

PART 1—HOUSING FOR THE ELDERLY

SEC. 831. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)) is amended by inserting after subparagraph (C) the following:

''Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), and (C), or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), and (C).''.

SEC. 832. MIXED FUNDING SOURCES.

Section 202(h)(6) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(6)) is amended—

(1) by striking ''non-Federal sources'' and inserting ''sources other than this section''; and

(2) by adding at the end the following new sentence: ''Notwithstanding any other provision of law, assistance amounts provided under this section may be treated as amounts not derived from a Federal grant.''.

SEC. 833. AUTHORITY TO ACQUIRE STRUCTURES.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), by striking ''from the Resolution Trust Corporation''; and

(2) in subsection (h)(2)—

(A) in the paragraph heading, by striking ''RTC PROPERTIES'' and inserting ''ACQUISITION''; and

(B) by striking ''from the Resolution'' and all that follows through ''Insurance Act''.

SEC. 834. USE OF PROJECT RESERVES.

Section 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j)) is amended by adding at the end the following:

''(8) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.''.

SEC. 835. COMMERCIAL ACTIVITIES.

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended by adding at the end the following: ''Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.''.

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

SEC. 841. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 811(k)(6) of the Housing Act of 1959 (42 U.S.C. 8013(k)(6)) is amended by inserting after subparagraph (D) the following:

''Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), (C), and (D) or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), (C), and (D).''.

SEC. 842. MIXED FUNDING SOURCES.

Section 811(h)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(5)) is amended—

(1) by striking ''non-Federal sources'' and inserting ''sources other than this section''; and

(2) by adding at the end the following new sentence: ''Notwithstanding any other provision of law, assistance amounts provided under this section may be treated as amounts not derived from a Federal grant.''.

SEC. 843. TENANT-BASED ASSISTANCE.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (d), by striking paragraph (4) and inserting the following:

''(4) TENANT-BASED RENTAL ASSISTANCE.—

''(A) ADMINISTERING ENTITIES.—Tenant-based rental assistance provided under subsection (b)(1) may be provided only through a public housing agency that has submitted and had approved an plan under section 7(d) of the United States Housing Act of 1937 (42 U.S.C. 1437e(d)) that provides for such assistance, or through a private nonprofit organization. A public housing agency shall be eligible to apply under this section only for the purposes of providing such tenant-based rental assistance.

''(B) PROGRAM RULES.—Tenant-based rental assistance under subsection (b)(1) shall be made available to eligible persons with disabilities and administered under the same rules that govern tenant-based rental assistance made available under section 8 of the United States Housing Act of 1937, except that the Secretary may waive or modify such rules, but only to the extent necessary to provide for administering such assistance under subsection (b)(1) through private nonprofit organizations rather than through public housing agencies.

''(C) ALLOCATION OF ASSISTANCE.—In determining the amount of assistance provided under subsection (b)(1) for a private nonprofit organization or public housing agency, the Secretary shall consider the needs and capabilities of the organization or agency, in the case of a public housing agency, as described in the plan for the agency under section 7 of the United States Housing Act of 1937.''; and

(2) in subsection (l)(1)—

(A) by striking ''subsection (b)'' and inserting ''subsection (b)(2)''; and

(B) by striking the last comma and all that follows through ''subsection (n)''.

SEC. 844. USE OF PROJECT RESERVES.

Section 811(j) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(j)) is amended by adding at the end the following:

''(7) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.''.

SEC. 845. COMMERCIAL ACTIVITIES.

Section 811(h)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(1)) is amended by adding at the end the following: ''Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.''.

PART 3—OTHER PROVISIONS

SEC. 851. SERVICE COORDINATORS.

(a) INCREASED FLEXIBILITY FOR USE OF SERVICE COORDINATORS IN CERTAIN FEDERALLY ASSISTED HOUSING.—Section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) is amended—

(1) in the section heading, by striking ''**MULTIFAMILY HOUSING ASSISTED UNDER NATIONAL HOUSING ACT**'' and inserting ''**CERTAIN FEDERALLY ASSISTED HOUSING**'';

(2) in subsection (a)—

(A) in the first sentence, by striking ''(E) and (F)'' and inserting ''(B), (C), (D), (E), (F), and (G)''; and

(B) in the last sentence—

(i) by striking ''section 661'' and inserting ''section 671''; and

(ii) by adding at the end the following: ''A service coordinator funded with a grant under this section for a project may provide services to low-income elderly or disabled families living in the vicinity of such project.'';

(3) in subsection (d)—

(A) by striking ''(E) or (F)'' and inserting ''(B), (C), (D), (E), (F), or (G)''; and

(B) by striking ''section 661'' and inserting ''section 671''; and

(4) by striking subsection (c) and redesignating subsection (d) (as amended by paragraph (3) of this subsection) as subsection (c).

(b) REQUIREMENT TO PROVIDE SERVICE COORDINATORS.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631) is amended—

(1) in the first sentence of subsection (a), by striking ''to carry out this subtitle pursuant to the amendments made by this subtitle'' and inserting the following: ''for providing service coordinators under this section'';

(2) in subsection (d), by inserting ''(''' after ''section 683(2)''; and

(3) by adding at the end following:

''(e) SERVICES FOR LOW-INCOME ELDERLY OR DISABLED FAMILIES RESIDING IN VICINITY OF CERTAIN PROJECTS.—To the extent only that this section applies to service coordinators for covered federally assisted housing described in subparagraphs (B), (C), (D), (E), (F), and (G) of section 683(2), any reference in this section to elderly or disabled residents of a project shall be construed to include low-income elderly or disabled families living in the vicinity of such project.''.

(c) PROTECTION AGAINST TELEMARKETING FRAUD.—

(1) SUPPORTIVE HOUSING FOR THE ELDERLY.—The first sentence of section 202(g)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(1)) is amended by striking ''and (F)'' and inserting the following: ''(F) providing education and outreach regarding telemarketing fraud, in accordance with the standards issued under section 671(f) of the Housing and Community Development Act of 1992 (42 U.S.C. 13631(f)); and (G)''.

(2) OTHER FEDERALLY ASSISTED HOUSING.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631), as amended by subsection (b) of this section, is further amended—

(A) in the first sentence of subsection (c), by inserting after ''response,'' the following: ''education and outreach regarding telemarketing fraud in accordance with the standards issued under subsection (f),''; and

(B) by adding at the end the following:

''(f) PROTECTION AGAINST TELEMARKETING FRAUD.—

''(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Health and Human Services, shall establish standards for service coordinators in federally assisted housing who are providing education and outreach to elderly persons residing in such housing regarding telemarketing fraud. The standards shall be designed to ensure that such education and outreach informs such elderly persons of the dangers of telemarketing fraud and facilitates the investigation and prosecution of telemarketers engaging in fraud against such residents.

''(2) CONTENTS.—The standards established under this subsection shall require that any such education and outreach be provided in a manner that—

''(A) informs such residents of—

''(i) the prevalence of telemarketing fraud targeted against elderly persons;

''(ii) how telemarketing fraud works;

''(iii) how to identify telemarketing fraud;

''(iv) how to protect themselves against telemarketing fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

''(v) how to report suspected attempts at telemarketing fraud; and

''(vi) their consumer protection rights under Federal law;

''(B) provides such other information as the Secretary considers necessary to protect such residents against fraudulent telemarketing; and

''(C) disseminates the information provided by appropriate means, and in determining such appropriate means, the Secretary shall

consider on-site presentations at federally assisted housing, public service announcements, a printed manual or pamphlet, an Internet website, and telephone outreach to residents whose names appear on 'mooch lists' confiscated from fraudulent telemarketers.''.

Subtitle D—Preservation of Affordable Housing Stock

SEC. 861. SECTION 236 ASSISTANCE.

(a) EXTENSION OF AUTHORITY TO RETAIN EXCESS CHARGES.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended—

(1) in paragraph (2), by striking ''Subject to paragraph (3) and notwithstanding'' and inserting ''Notwithstanding''; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(b) TREATMENT OF EXCESS CHARGES PREVIOUSLY COLLECTED.—Any excess charges that a project owner may retain pursuant to the amendments made by subsections (b) and (c) of section 532 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1116) that have been collected by such owner since the date of the enactment of such Appropriations Act and that such owner has not remitted to the Secretary of Housing and Urban Development may be retained by such owner unless such Secretary otherwise provides. To the extent that a project owner has remitted such excess charges to the Secretary since such date of enactment, the Secretary may return to the relevant project owner any such excess charges remitted. Notwithstanding any other provision of law, amounts in the Rental Housing Assistance Fund, or heretofore or subsequently transferred from the Rental Housing Assistance Fund to the Flexible Subsidy Fund, shall be available to make such return of excess charges previously remitted to the Secretary, including the return of excess charges referred to in section 532(e) of such Appropriations Act.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

SEC. 901. EXTENSION OF LOAN TERM FOR MANUFACTURED HOME LOTS.

Section 2(b)(3)(E) of the National Housing Act (12 U.S.C. 1703(b)(3)(E)) is amended by striking ''fifteen'' and inserting ''twenty''.

SEC. 902. USE OF SECTION 8 VOUCHERS FOR OPT-OUTS.

(a) IN GENERAL.—Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended by striking ''fiscal year 1996'' and inserting ''fiscal year 1994''.

(b) EFFECTIVE DATE.—The amendment under subsection (a) shall be made and shall apply—

(1) upon the enactment of this Act, if the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is enacted before the enactment of this Act; and

(2) immediately after the enactment of such appropriations Act, if such appropriations Act is enacted after the enactment of this Act.

SEC. 903. MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS.

(a) IN GENERAL.—Section 8(t)(1)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)(B)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended by inserting before the semicolon at the end the following: '', except that a limit shall not be considered reasonable for purposes of this subparagraph if it adversely affects such assisted families''.

(b) EFFECTIVE DATE.—The amendment under subsection (a) shall be made and shall apply—

(1) upon the enactment of this Act, if the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is enacted before the enactment of this Act; and

(2) immediately after the enactment of such appropriations Act, if such appropriations Act is enacted after the enactment of this Act.

SEC. 904. USE OF SECTION 8 ASSISTANCE BY "GRAND-FAMILIES" TO RENT DWELLING UNITS IN ASSISTED PROJECTS.

Section 215(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)) is amended by adding at the end the following new paragraph:

''(6) WAIVER OF QUALIFYING RENT.—

''(A) IN GENERAL.—For the purpose of providing affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the project owner, waive the applicability of subparagraph (A) of paragraph (1) with respect to a dwelling unit if—

''(i) the unit is occupied by such a family, on whose behalf tenant-based assistance is provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

''(ii) the rent for the unit is not greater than the existing fair market rent for comparable units in the area, as established by the Secretary under section 8 of the United States Housing Act of 1937; and

''(iii) the Secretary determines that the waiver, together with waivers under this paragraph for other dwelling units in the project, will result in the use of amounts described in clause (iii) in an effective manner that will improve the provision of affordable housing for such families.

''(B) ELIGIBLE FAMILIES.—A family described in this subparagraph is a family that consists of at least one elderly person (who is the head of household) and one or more of such person's grand children, great grandchildren, great nieces, great nephews, or great great grandchildren (as defined by the Secretary), but does not include any parent of such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren. Such term includes any such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren who have been legally adopted by such elderly person.''.

TITLE X—FEDERAL RESERVE BOARD PROVISIONS

SEC. 1001. FEDERAL RESERVE BOARD BUILDINGS.

The 3rd undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 243) is amended—

(1) by inserting after the 1st sentence the following new sentence: ''After September 1, 2000, the Board may also use such assessments to acquire, in its own name, a site or building (in addition to the facilities existing on such date) to provide for the performance of the functions of the Board.''; and

(2) in the sentences following the sentence added by the amendment made by paragraph (1) of this section—

(A) by striking ''the site'' and inserting ''any site''; and

(B) by inserting ''or buildings'' after ''building'' each place such term appears.

SEC. 1002. POSITIONS OF BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM ON THE EXECUTIVE SCHEDULE.

(a) IN GENERAL.—

(1) POSITIONS AT LEVEL I OF THE EXECUTIVE SCHEDULE.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

''Chairman, Board of Governors of the Federal Reserve System.''.

(2) POSITIONS AT LEVEL II OF THE EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended—

(A) by striking ''Chairman, Board of Governors of the Federal Reserve System.''; and

(B) by adding at the end the following:

''Members, Board of Governors of the Federal Reserve System.''.

(3) POSITIONS AT LEVEL III OF THE EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by striking ''Members, Board of Governors of the Federal Reserve System.''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first pay period for the Chairman and Members of the Board of Governors of the Federal Reserve System beginning on or after the date of enactment of this Act.

SEC. 1003. AMENDMENTS TO THE FEDERAL RESERVE ACT.

(a) REPEAL.—Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended by striking all after the first sentence.

(b) APPEARANCES BEFORE AND REPORTS TO THE CONGRESS.—

(1) IN GENERAL.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 2A the following new section:

"SEC. 2B. APPEARANCES BEFORE AND REPORTS TO THE CONGRESS.

''(a) APPEARANCES BEFORE THE CONGRESS.—

(1) IN GENERAL.—The Chairman of the Board shall appear before the Congress at semi-annual hearings, as specified in paragraph (2), regarding—

''(A) the efforts, activities, objectives and plans of the Board and the Federal Open Market Committee with respect to the conduct of monetary policy; and

''(B) economic developments and prospects for the future described in the report required in subsection (b).

''(2) SCHEDULE.—The Chairman of the Board shall appear—

''(A) before the Committee on Banking and Financial Services of the House of Representatives on or about February 20 of even numbered calendar years and on or about July 20 of odd numbered calendar years;

''(B) before the Committee on Banking, Housing, and Urban Affairs of the Senate on or about July 20 of even numbered calendar years and on or about February 20 of odd numbered calendar years; and

''(C) before either Committee referred to in subparagraph (A) or (B), upon request, following the scheduled appearance of the Chairman before the other Committee under subparagraph (A) or (B).

''(b) CONGRESSIONAL REPORT.—The Board shall, concurrent with each semi-annual hearing required by this section, submit a written report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives, containing a discussion of the conduct of monetary policy and economic developments and prospects for the future, taking

into account past and prospective developments in employment, unemployment, production, investment, real income, productivity, exchange rates, international trade and payments, and prices.''.

TITLE XI—BANKING AND HOUSING AGENCY REPORTS

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Federal Reporting Act of 2000''.

SEC. 1102. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022).

(2) Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099).

(3) Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213).

(4) Section 7(o)(1) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(1)).

(5) Section 540(c) of the National Housing Act (12 U.S.C. 1735f–18(c)).

(6) Paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

(7) Section 1061 of the Housing and Community Development Act of 1992 (42 U.S.C. 4856).

(8) Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3780).

(9) Section 802 of the Housing Act of 1954 (12 U.S.C. 1701o).

(10) Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536).

(11) Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027).

(12) Section 4(e)(2) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(e)(2).

(13) Section 205(g) of the National Housing Act (12 U.S.C. 1711(g)).

(14) Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)).

(15) Paragraphs (1) and (2) of section 5302(c) of title 31, United States Code.

(16) Section 18(f)(7) of the Federal Trade Commission Act. (15 U.S.C. 57a(f)(7)).

(17) Section 333 of the Revised Statutes of the United States (12 U.S.C. 14).

(18) Section 3(g) of the Home Owners' Loan Act (12 U.S.C. 1462a(g)).

(19) Section 304 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 304).

(20) Sections 2(b)(1)(A), 8(a), 8(c), 10(g)(1), and 11(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A), 635g(a), 635g(c), 635i–3(g), and 635i–5(c)).

(21) Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)).

(22) Section 13 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2292).

(23) Section 2B(d) of the Federal Home Loan Bank Act (12 U.S.C. 1422b(d)).

(24) Section 1002(b) of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note).

(25) Section 8 of the Fair Credit and Charge Card Disclosure Act of 1988 (15 U.S.C. 1637 note).

(26) Section 136(b)(4)(B) of the Truth in Lending Act (15 U.S.C. 1646(b)(4)(B)).

(27) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(28) Section 114 of the Truth in Lending Act (15 U.S.C. 1613).

(29) The seventh undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247).

(30) The tenth undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247a).

(31) Section 815 of the Fair Debt Collection Practices Act (15 U.S.C. 1692m).

(32) Section 102(d) of the Federal Credit Union Act (12 U.S.C. 1752a(d)).

(33) Section 21B(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(i)).

(34) Section 607(a) of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8106(a)).

(35) Section 708(l) of the Defense Production Act of 1950 (50 U.S.C. Ap. 2158(l)).

(36) Section 2546 of the Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990 (28 U.S.C. 522 note).

(37) Section 202(b)(8) of the National Housing Act (12 U.S.C. 1708(b)(8)).

SEC. 1103. COORDINATION OF REPORTING REQUIREMENTS.

(a) FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)) is amended by adding at the end the following new paragraph:

''(3) COORDINATION WITH OTHER REPORT REQUIREMENTS.—The report required under this subsection shall include the report required under section 18(f)(7) of the Federal Trade Commission Act.''.

(b) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—The 7th undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247) is amended by adding at the end the following new sentence: ''The report required under this paragraph shall include the reports required under section 707 of the Equal Credit Opportunity Act, section 18(f)(7) of the Federal Trade Commission Act, section 114 of the Truth in Lending Act, and the 10th undesignated paragraph of this section.''.

(c) COMPTROLLER OF THE CURRENCY.—Section 333 of the Revised Statutes of the United States (12 U.S.C. 14) is amended by adding at the end the following new sentence: ''The report required under this section shall include the report required under section 18(f)(7) of the Federal Trade Commission Act.''.

(d) EXPORT-IMPORT BANK.—

(1) IN GENERAL.— Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended—

(A) by striking ''a annual'' and inserting ''an annual''; and

(B) by adding at the end the following new sentence: ''The annual report required under this subparagraph shall include the report required under section 10(g).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 10(g)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(g)(1)) is amended—

(A) by striking ''On or'' and all that follows through ''the Bank'' and inserting ''The Bank''; and

(B) by striking ''a report'' and inserting ''an annual report''.

(e) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536) is amended by adding at the end the following new sentence: ''The report required under this section shall include the reports required under paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968, the reports required under subsections (a) and (b) of section 1061 of the Housing and Community Development Act of 1992, the report required under section 802 of the Housing Act of 1954, and the report required under section 4(e)(2) of this Act.''.

(f) FEDERAL HOUSING ADMINISTRATION.—Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992, is amended by adding at the end the following new sentence:

''The report required under this subsection shall include the report required under section 540(c) and the report required under section 205(g).''.

(g) INTERNATIONAL FINANCIAL INSTITUTIONS ACT.—Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)) is amended by striking ''Not later'' and all that follows through ''quarterly'' and inserting ''The Secretary of the Treasury shall report annually''.

SEC. 1104. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.

(a) EXPORT-IMPORT BANK.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended—

(1) in section 2(b)(1)(D)—

(A) by striking ''(i)''; and

(B) by striking clause (ii);

(2) in section 2(b)(8), by striking the last sentence;

(3) in section 6(b), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(4) in section 8, by striking subsections (b) and (d) and redesignating subsections (c) and (e) as subsections (b) and (c), respectively.

(b) FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 17 of the Federal Deposit Insurance Act (12 U.S.C. 1827) is amended by striking subsection (h).

TITLE XII—FINANCIAL REGULATORY RELIEF

SEC. 1200. SHORT TITLE.

This title may be cited as the ''Financial Regulatory Relief and Economic Efficiency Act of 2000''.

Subtitle A—Improving Monetary Policy and Financial Institution Management Practices

SEC. 1201. REPEAL OF SAVINGS ASSOCIATION LIQUIDITY PROVISION.

(a) REPEAL OF LIQUIDITY PROVISION.—Section 6 of the Home Owners' Loan Act (12 U.S.C. 1465) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 5.—Section 5(c)(1)(M) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)(M)) is amended to read as follows:

''(M) LIQUIDITY INVESTMENTS.—Investments (other than equity investments), identified by the Director, for liquidity purposes, including cash, funds on deposit at a Federal reserve bank or a Federal home loan bank, or bankers' acceptances.''.

(2) SECTION 10.—Section 10(m)(4)(B)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(B)(iii)) is amended by inserting ''as in effect on the day before the date of the enactment of the Financial Regulatory Relief and Economic Efficiency Act of 2000,'' after ''Loan Act,''.

SEC. 1202. NONCONTROLLING INVESTMENTS BY SAVINGS ASSOCIATION HOLDING COMPANIES.

Section 10(e)(1)(A)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)(1)(A)(iii)) is amended—

(1) by inserting '', except with the prior written approval of the Director,'' after ''or to retain''; and

(2) by striking ''so acquire or retain'' and inserting ''acquire or retain, and the Director may not authorize acquisition or retention of,''.

SEC. 1203. REPEAL OF DEPOSIT BROKER NOTIFICATION AND RECORDKEEPING REQUIREMENT.

Section 29A of the Federal Deposit Insurance Act (12 U.S.C. 1831f–1) is hereby repealed.

SEC. 1204. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended—

(1) by redesignating section 5 as section 7; and

(2) by inserting after section 4 the following new section:

''SEC. 5. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

''(a) IN GENERAL.—A national bank may, with the approval of the Comptroller, pursuant to rules and regulations promulgated by the Comptroller, and upon the affirmative vote of the shareholders of such bank owning at least two-thirds of its capital stock outstanding, reorganize so as to become a subsidiary of a bank holding company or of a company that will, upon consummation of such reorganization, become a bank holding company.

''(b) REORGANIZATION PLAN.—A reorganization authorized under subsection (a) shall be carried out in accordance with a reorganization plan that—

''(1) specifies the manner in which the reorganization shall be carried out;

''(2) is approved by a majority of the entire board of directors of the national bank;

''(3) specifies—

''(A) the amount of cash or securities of the bank holding company, or both, or other consideration to be paid to the shareholders of the reorganizing bank in exchange for their shares of stock of the bank;

''(B) the date as of which the rights of each shareholder to participate in such exchange will be determined; and

''(C) the manner in which the exchange will be carried out; and

''(4) is submitted to the shareholders of the reorganizing bank at a meeting to be held on the call of the directors in accordance with the procedures prescribed in connection with a merger of a national bank under section 3.

''(c) RIGHTS OF DISSENTING SHAREHOLDERS.—If, pursuant to this section, a reorganization plan has been approved by the shareholders and the Comptroller, any shareholder of the bank who has voted against the reorganization at the meeting referred to in subsection (b)(4), or has given notice in writing at or prior to that meeting to the presiding officer that the shareholder dissents from the reorganization plan, shall be entitled to receive the value of his or her shares, as provided by section 3 for the merger of a national bank.

''(d) EFFECT OF REORGANIZATION.—The corporate existence of a national bank that reorganizes in accordance with this section shall not be deemed to have been affected in any way by reason of such reorganization.

''(e) APPROVAL UNDER THE BANK HOLDING COMPANY ACT.—This section does not affect in any way the applicability of the Bank Holding Company Act of 1956 to a transaction described in subsection (a).''.

SEC. 1205. NATIONAL BANK DIRECTORS.

(a) AMENDMENTS TO THE REVISED STATUTES.—Section 5145 of the Revised Statutes of the United States (12 U.S.C. 71) is amended—

(1) by striking ''for one year'' and inserting ''for a period of not more than 3 years''; and

(2) by adding at the end the following: ''In accordance with regulations issued by the Comptroller of the Currency, a national bank may adopt bylaws that provide for staggering the terms of its directors.''.

(b) AMENDMENT TO THE BANKING ACT OF 1933.—Section 31 of the Banking Act of 1933 (12 U.S.C. 71a) is amended in the first sentence, by inserting before the period '', except that the Comptroller of the Currency may, by regulation or order, exempt a national bank from the 25-member limit established by this section''.

SEC. 1206. AMENDMENT TO NATIONAL BANK CONSOLIDATION AND MERGER ACT.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended by inserting after section 5, as added by this title, the following new section:

''SEC. 6. MERGERS AND CONSOLIDATIONS WITH SUBSIDIARIES AND NONBANK AFFILIATES.

''(a) IN GENERAL.—Upon the approval of the Comptroller, a national bank may merge with 1 or more of its nonbank subsidiaries or affiliates.

''(b) SCOPE.—Nothing in this section shall be construed—

''(1) to affect the applicability of section 18(c) of the Federal Deposit Insurance Act; or

''(2) to grant a national bank any power or authority that is not permissible for a national bank under other applicable provisions of law.

''(c) REGULATIONS.—The Comptroller shall promulgate regulations to implement this section.''.

SEC. 1207. LOANS ON OR PURCHASES BY INSTITUTIONS OF THEIR OWN STOCK; AFFILIATIONS.

(a) AMENDMENT TO THE REVISED STATUTES.—Section 5201 of the Revised Statutes of the United States (12 U.S.C. 83) is amended to read as follows:

''SEC. 5201. LOANS BY BANK ON ITS OWN STOCK.

''(a) GENERAL PROHIBITION.—No national bank shall make any loan or discount on the security of the shares of its own capital stock.

''(b) EXCLUSION.—For purposes of this section, a national bank shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt previously contracted for in good faith.''.

(b) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended—

(1) by redesignating subsection (t), as added by section 730 of the Gramm-Leach-Bliley Act (Public Law 106–102; 113 Stat. 1476), as subsection (u); and

(2) by adding at the end the following new subsection:

''(v) LOANS BY INSURED INSTITUTIONS ON THEIR OWN STOCK.—

''(1) GENERAL PROHIBITION.—No insured depository institution may make any loan or discount on the security of the shares of its own capital stock.

''(2) EXCLUSION.—For purposes of this subsection, an insured depository institution shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt previously contracted for in good faith.''.

SEC. 1208. PURCHASED MORTGAGE SERVICING RIGHTS.

Section 475 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1828 note) is amended—

(1) in subsection (a)(1), by inserting ''(or such other percentage exceeding 90 percent but not exceeding 100 percent, as may be determined under subsection (b))'' after ''90 percent'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

''(b) AUTHORITY TO DETERMINE PERCENTAGE BY WHICH TO DISCOUNT VALUE OF SERVICING RIGHTS.—The appropriate Federal banking agencies may allow readily marketable purchased mortgage servicing rights to be valued at more than 90 percent of their fair market value but at not more than 100 percent of such value, if such agencies jointly make a finding that such valuation would not have an adverse effect on the deposit insurance funds or the safety and soundness of insured depository institutions.''; and

(3) in subsection (c), by striking ''and'' and inserting '', 'deposit insurance fund', and''.

Subtitle B—Streamlining Activities of Institutions

SEC. 1211. CALL REPORT SIMPLIFICATION.

(a) MODERNIZATION OF CALL REPORT FILING AND DISCLOSURE SYSTEM.—In order to reduce the administrative requirements pertaining to bank reports of condition, savings association financial reports, and bank holding company consolidated and parent-only financial statements, and to improve the timeliness of such reports and statements, the Federal banking agencies shall—

(1) work jointly to develop a system under which—

(A) insured depository institutions and their affiliates may file such reports and statements electronically; and

(B) the Federal banking agencies may make such reports and statements available to the public electronically; and

(2) not later than 1 year after the date of enactment of this Act, report to the Congress and make recommendations for legislation that would enhance efficiency for filers and users of such reports and statements.

(b) UNIFORM REPORTS AND SIMPLIFICATION OF INSTRUCTIONS.—The Federal banking agencies shall, consistent with the principles of safety and soundness, work jointly—

(1) to adopt a single form for the filing of core information required to be submitted under Federal law to all such agencies in the reports and statements referred to in subsection (a); and

(2) to simplify instructions accompanying such reports and statements and to provide an index to the instructions that is adequate to meet the needs of both filers and users.

(c) REVIEW OF CALL REPORT SCHEDULE.—Each Federal banking agency shall—

(1) review the information required by schedules supplementing the core information referred to in subsection (b); and

(2) eliminate requirements that are not warranted for reasons of safety and soundness or other public purposes.

(d) DEFINITION.—In this section, the term ''Federal banking agency'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

Subtitle C—Streamlining Agency Actions

SEC. 1221. ELIMINATION OF DUPLICATIVE DISCLOSURE OF FAIR MARKET VALUE OF ASSETS AND LIABILITIES.

Section 37(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(a)(3)) is amended by striking subparagraph (D).

SEC. 1222. PAYMENT OF INTEREST IN RECEIVERSHIPS WITH SURPLUS FUNDS.

Section 11(d)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(10)) is amended

by adding at the end the following new subparagraph:

''(C) RULEMAKING AUTHORITY OF CORPORATION.—The Corporation may prescribe such rules, including definitions of terms, as it deems appropriate to establish a single uniform interest rate for or to make payments of post insolvency interest to creditors holding proven claims against the receivership estates of insured Federal or State depository institutions following satisfaction by the receiver of the principal amount of all creditor claims.''.

SEC. 1223. REPEAL OF REPORTING REQUIREMENT ON DIFFERENCES IN ACCOUNTING STANDARDS.

Section 37(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(c)) is amended—

(1) in paragraph (1), by striking ''Each'' and all that follows through ''a report'' and inserting ''The Federal banking agencies shall jointly submit an annual report''; and

(2) by inserting ''any'' before ''such agency'' each place that term appears.

SEC. 1224. EXTENSION OF TIME.

Section 6(a)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(1)) is amended by striking ''1 year'' and inserting ''18 months''.

Subtitle D—Technical Corrections

SEC. 1231. TECHNICAL CORRECTION RELATING TO DEPOSIT INSURANCE FUNDS.

(a) IN GENERAL.—Section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104–208; 110 Stat. 3009–496) is amended—

(1) by striking ''7(b)(2)(C)'' and inserting ''7(b)(2)(E)''; and

(2) by striking '', as redesignated by section 2704(d)(6) of this subtitle''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be deemed to have the same effective date as section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104–208; 110 Stat. 3009–496).

SEC. 1232. RULES FOR CONTINUATION OF DEPOSIT INSURANCE FOR MEMBER BANKS CONVERTING CHARTERS.

Section 8(o) of the Federal Deposit Insurance Act (12 U.S.C. 1818(o)) is amended in the second sentence, by striking ''subsection (d) of section 4'' and inserting ''subsection (c) or (d) of section 4''.

SEC. 1233. AMENDMENTS TO THE REVISED STATUTES OF THE UNITED STATES.

(a) WAIVER OF CITIZENSHIP REQUIREMENT FOR NATIONAL BANK DIRECTORS.—Section 5146 of the Revised Statutes of the United States (12 U.S.C. 72) is amended in the first sentence, by inserting before the period '', and waive the requirement of citizenship in the case of not more than a minority of the total number of directors''.

(b) TECHNICAL AMENDMENT TO THE REVISED STATUTES.—Section 329 of the Revised Statutes of the United States (12 U.S.C. 11) is amended by striking ''to be interested in any association issuing national currency under the laws of the United States'' and inserting ''to hold an interest in any national bank''.

(c) REPEAL OF UNNECESSARY CAPITAL AND SURPLUS REQUIREMENT.—Section 5138 of the Revised Statutes of the United States (12 U.S.C. 51) is hereby repealed.

SEC. 1234. CONFORMING CHANGE TO THE INTERNATIONAL BANKING ACT OF 1978.

Section 4(b) of the International Banking Act of 1978 (12 U.S.C. 3102(b)) is amended in the second sentence, by striking paragraph (1) and by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

□ 1045

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

Mr. Speaker, the bill before the House today, the American Homeownership and Economic Opportunity Act, combines a number of important banking and housing proposals that were approved by the House on a bipartisan basis earlier in the session.

We are bringing this legislation back to the floor after a consultation with the other body with the expectation that this bill will eventually be enacted into law.

With regard to housing, the legislation draws substantially from H.R. 1776, the American Homeownership and Economic Opportunity Act, which passed the House by a vote of 417 to 8 on April 6.

Mr. Speaker, there are also provisions drawn from H.R. 202, the Preserving Affordable Housing for Seniors and Vulnerable Families into the 21st Century Act, another bipartisan bill designed to help the elderly and individuals with disabilities.

Let me stress that the housing provisions of this bill are a testament to the extraordinary work of the gentleman from New York (Mr. LAZIO), the chairman of the Subcommittee on Housing and Community Opportunity. During the last 6 years, the gentleman from New York (Chairman LAZIO) has been a recognized leader in Congress on affordable housing and community renewal issues, and in particular, as the author and champion of the historic Public and Assisted Housing Reform Act enacted in the 105th Congress.

In my experience, there has been no greater subcommittee chairmanship than that of the gentleman from New York, and his work will make a great deal of difference in the everyday lives of low-income Americans for generations to come.

There is an also great debt of gratitude owed in this act to the gentlewoman from New Jersey (Mrs. ROUKEMA), particularly for those parts of the bill that deal with deregulation and certain aspects in the banking industry.

Finally, let me just stress that this bill contains some very important manufactured housing provisions. Manufactured housing is an important part of the American housing mosaic, and modernizing the reform and regulations governing manufactured housing is long overdue. It is critical for the economy to improve the quality and affordability of such housing in the context of maintaining consumer protection and safety.

There are a number of other features in the bill that other Members are going to address, but let me just conclude by thanking all Members for their help and participation in this bill.

In particular, I want to thank the gentleman from New York (Mr. LAFALCE) for his graciousness and thoughtfulness, and the gentleman from Massachusetts (Mr. FRANK) for a number of very thoughtful additions to this bill. I am very, very much in both of their debts.

Mr. Speaker, the bill before the House today, the American Homeownership and Economic Opportunity Act, combines a number of important banking and housing proposals that were approved by the House on a bipartisan basis earlier in this session. We are bringing this legislation back to the House after consultation with the other body, with the expectation that this bill will eventually be enacted into law.

With regard to housing, the legislation draws substantially from H.R. 1776, the ''American Homeownership and Economic Opportunity Act,'' which passed the House by a vote of 417 to 8 on April 6, 2000. There are also provisions drawn from H.R. 202, the ''Preserving Affordable Housing for Seniors and Vulnerable Families into the 21st Century Act,'' another bipartisan bill designed to help the elderly and individuals with disablilites with their housing needs which passed the House on September 27, 1999 by a vote of 405 to 5.

Let me stress that the housing provisions in this bill are a testament to the extraordinary work of the gentleman from New York, RICK LAZIO, the Chairman of the Housing Subcommittee. During the last 6 years, Chairman LAZIO has been the recognized leader in Congress on affordable housing and community renewal issues, in particular, as the author and champion of the historic public and assisted housing reform enacted in the 105th Congress. In my experience, there has been no greater Subcommittee chairmanship than that of RICK LAZIO, and his work will make a real difference in the everyday lives of low-income Americans for generations to come.

Today, affordable housing continues to be out of the reach for many Americans. A strong economy has created a dynamic where in many parts of the country the cost of real estate is rising faster than income levels.

Secondly, although interest rates are not as high as at other times in our history, an unprecedented differential has nevertheless come into being between inflation and long-term interest rates, making financing of a home purchase extremely difficult.

Included in our bill are innovative homeownership programs to empower low-income recipients of Section 8 housing assistance to apply that assistance towards buying a home. Provisions included in this bill from H.R. 202 will help the elderly and individuals with disabilities immensely, and assist the construction and financing of more facilities for these populations. The legislation helps Native Americans and Native Hawaiians, and contains many more provision that will improve our Nation's housing and increase homeownership opportunities.

Finally, the bill also contains important provisions modernizing the Federal manufacturing housing regulatory regime. Manufactured

housing is an important part of America's housing mosaic. Modernizing the reform and regulations governing manufactured housing is long overdue. It is critical to the economy to improve the quality and affordability of such housing in the context of maintaining consumer protection and safety.

With regard to the banking provisions of the bill, the legislation includes several provisions that the House has previously approved this session in separate pieces of legislation, combined with non-controversial, bipartisanly-supported elements of a regulatory relief package. Many of these regulatory provisions were contained in H.R. 4364 of the 105th Congress which the House approved by voice vote two years ago, and were carried over this session in legislation introduced in the House by the gentlelady from New Jersey (Mrs. ROUKEMA), the distinguished chair of our Financial Institutions Subcommittee.

In this package we are also renewing, some with slight changes, reporting requirements by the Executive Branch and independent regulators in some 45 instances, as provided for in legislation passed by the House last year on a voice vote. Included is the semi-annual report to Congress of the Federal Reserve Board on the conduct of monetary policy.

While the reports being renewed are deemed important for the oversight work of the Banking Committee, I know of no more important oversight responsibility of the Congress than the review of the Fed's conduct of monetary policy.

With regard to the Fed, there is one other section of the bill that deserves note. This is a section that provides pay parity for Fed Governors and their Cabinet and sub-cabinet counterparts.

Let me conclude by thanking all of those Members and staff on both sides of the House who have participated in putting together the legislation before us today, and to thank in particular Mrs. ROUKEMA, Mr. BEREUTER, Mr. LAFALCE and Mr. FRANK who have contributed so much to all aspects of this bill.

Mr. Speaker, I include for the RECORD the following material regarding H.R. 5640.

The material referred to is as follows:

H.R. 5640—SECTION-BY-SECTION

Section 1. Short Title and Table of Contents.

States that the act may be cited as the ''American Homeownership and Economic Opportunity Act of 2000.''

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Section 101. Short title.

This title may be referred to as the ''Housing Affordability Barrier Removal Act of 2000.''

Section 102. Grants for regulatory barrier removal strategies.

Authorizes $15 million for FY 2001 through FY 2005 for grants to States, local governments, and eligible consortia for regulatory barrier removal strategies. This is reauthorization of the same amount under an already existing CDBG setaside (Section 107(a)(1)(H)). Grants provided for these purposes must be used in coordination with the local comprehensive housing affordability strategy (''CHAS'').

Section 103. Regulatory barriers clearinghouse.

Creates within HUD's Office of Policy Development and Research a ''Regulatory Barriers Clearinghouse'' to collect and disseminate information on, among other things, the prevalence of regulatory barriers and their effects on availability of affordable housing, and successful barrier removal strategies.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

Section 201. Home equity conversion mortgages.

Allows for the refinancing of home equity conversion mortgages (HECMs) for elderly homeowners. Gives the Secretary discretion to reduce the single premium payment to an amount as determined by an actuarial study, to be conducted by the Secretary within 180 days of enactment, and to credit the premium paid on the original loan. Authorizes the Secretary to establish a limit on origination fees that may be charged (which fees may be fully financed). Waives counseling requirements if the borrower has received counseling in the prior five years and the increase in the principal limit exceeds refinancing costs by an amount set by the Department; provides a disclosure under a refinanced mortgage of the total cost of refinancing and the principal limit increase.

In cases where the reverse mortgage proceeds are used for long-term care insurance contracts, a portion of those proceeds may be used for up-front costs, such as initial service, appraisal and inspection fees. Requires HUD to waive the up-front mortgage insurance premium in cases where reverse mortgage proceeds are used for costs of qualified long-term care insurance contract.

Directs the Department to conduct an actuarial study within 180 days of enactment of the effect creating a single national loan limit for HECM reverse mortgages.

Section 202. Assistant for self-help providers.

Reauthorizes the self-help housing for FY 2001. Allows projects within 5 or more units to use their funds over a 3-year period. Allows entities to advance themselves funds prior to completion of environmental reviews for purposes of land acquisition.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Section 301. Downpayment assistance.

Public Housing Authorities (PHAs) are authorized to provide down-payment assistance in the form of a single grant, in lieu of monthly assistance. Such down-payment assistance shall not exceed the total amount of monthly assistance received by the tenant for the first year of assistance. For FY 2000 and thereafter, assistance under this section shall be available to the extent that sums are appropriated.

Section 302. Pilot program for homeownership assistance for disabled families.

Adds a pilot program to demonstrate the use of tenant-based section 8 assistance (section 8 vouchers) for the purchase of a home that will be owned by 1 or more members of the disabled family and will be occupied by that family and meets certain requirements. Requirements include purchase of the property within three years of enactment of this Act; demonstrated income level from employment or other sources (including public assistance), that is not less than twice the Section 8 payment standard established by the PHA; participation in a housing counseling program provided by the PHA; and other requirements established by the PHA in accordance with requirements established by the Secretary of HUD.

Section 303. Funding for pilot program.

Authorizes such sums as may be appropriated for a grant program to supplement demonstration programs approved under the Section 8 homeownership demonstration program. The program has a 50% match requirement.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

Section 401. Short title.

Provides that this title may be cited as the ''Private Mortgage Insurance Technical Corrections and Clarification Act''.

Section 402. Changes in amortization schedule.

Clarifies that private mortgage insurance (PMI) termination/cancellation rights for adjustable rate mortgages (ARMs) are based on the amortization schedule then in effect (the most recent calculation); treats a balloon mortgage like an ARM (uses most recent amortization schedule); bases cancellation/termination rights on modified terms if loan modification occurs.

Section 403. Deletion of ambiguous references to residential mortgages.

Clarifies that borrowers' PMI cancellation and termination rights apply only to mortgages created after the effective date of the legislation (one-year after the date of enactment).

Section 404. Cancellation rights after cancellation date.

Clarifies that the good payment history requirement in the bill is calculated as of the later of the cancellation date or, the date on which a borrower requests cancellation. Provides that if a borrower is not current on payments as of the termination date, but later becomes current, termination shall not take place until the first day of the following month (eliminates lender need to check and cancel PMI every day of the month). Clarifies that PMI cancellation or termination does not eliminate requirement to make PMI payments legitimately accrued prior to any cancellation or termination of PMI.

Section 405. Clarification of cancellation and termination issues and lender paid mortgage insurance disclosure requirements.

Adds provision clarifying cancellation and termination issues related to terms ambiguous in law, including ''good payment history'', ''automatic termination'' and ''accrued obligation form premium payments''. Clarifies that PMI cancellation rights exist on the cancellation date, or any later date, as long as the borrower complies with all cancellation requirements. Clarifies that borrower must be current on loan payments to exercise cancellation.

Section 406. Definitions.

Sets forth definitions of: (a) refinanced; (b) midpoint of the amortization period; (d) original value; and (e) principal residence.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

SUBTITLE A—NATIVE AMERICAN HOUSING

Section 501. Lands Title Report Commission.

Subject to amounts appropriated, creates an Indian Lands Title Report Commission to develop recommended approaches to improving how the Bureau of Indian Affairs (BIA) conducts title reviews in connection with the sale of Indian lands. Receipts of a certificate from BIA is a prerequisite to any sale transaction on Indian lands, and the current procedure is overly burdensome and presents a regulatory barrier to increasing homeownership on Indian lands.

The Commission is composed of 12 members with knowledge of Indian land title issues (4 appointed by the President, 4 by the President from recommendations made by the Chairman of the Senate Committee on

Banking, Housing and Urban Affairs Committee, and 4 by President from recommendations made by the Chairman of the House Committee on Banking and Financial Services). Authorized at $500,000.

Section 502. Loan guarantees.

Premamently authorizes the section 184 Loan Guarantee Program for Indian housing.

Section 503. Native American housing assistance.

Makes the following amendments to the Native American Housing and Self-Determination Act of 1996 (NAHASDA):

Restricts Secretary's authority to grant waiver of Indian housing plan requirements, upon noncompliance due to circumstances beyond the control of the Indian tribe, to a period of 90 days. Allows Secretary to waive requirement for a local cooperation agreement provided the recipient has made a good faith effort to comply and agrees to make payments in lieu of taxes to the jurisdiction.

Sets forth requirement for assistance to Indian families that are now low-income upon a showing of need. Eliminates separate Indian housing plan requirements for small Indian tribes.

Provides Secretary with authority to waive statutory requirements of environmental reviews upon a determination that failure to comply does not undermine goals of the National Environmental Policy Act, will not threaten the health or safety of the community, is the result of inadvertent error and can be corrected by the recipient of funding. The intent is to address problems resulting from procedural, rather than substantive, noncompliance.

Authorizes tribal housing entities to provide housing on Indian reservations to full-time law enforcement officers, sworn to implement the Federal, State, county, or tribal law.

Revises provisions regarding audits and reviews by the Secretary by making applicable the requirements of the Single Audit Act to tribal housing entities; allowing these housing entities to be treated as a non-Federal entities; and, permitting the Secretary to conduct audits. The audits will determine whether the grant recipient has carried out eligible activities in a timely manner; has met certification requirements; has an on going capacity to carry out eligible activities in a timely manner; and, has complied with the proposed housing plan.

Prescribes formula allocation for Indian housing authorities operating fewer than 250 units by requiring the amount of assistance provided to these tribes to be based on an average of their allocations from the prior five (5) fiscal years (fiscal years 1992 through 1997).

Amends hearing requirements to allow the Secretary to take immediate remedial action if the Secretary determines that the recipient has failed to comply substantially with any material provision of NAHASDA resulting in continued federal expenditures not authorized by law.

Upon noncompliance with the law due to technical incapacity, requires a recipient to enter into a ''performance agreement'' with the Secretary before the Secretary can provide technical assistance.

For section 8 vouchers currently being used by an Indian tribe, requires counting such vouchers under the NAHASDA block grant allocation formula to ensure that families currently participating in the Section 8 voucher program will continue to be funded.

Repeals requirement regarding the certification of compliance with subsidy layering requirements with respect to housing assisted with grant amounts provided under the Act.

SUBTITLE B—NATIVE HAWAIIAN HOUSING

Section 511. Short title.

Provides that the subtitle may be cited as the ''Hawaiian Homelands Homeownership Act of 2000.''

Section 512. Findings.

Finds that Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States, and that Congress finds it necessary to extend the Federal low-income housing assistance available under the Native American Housing and Self Determination Act of 1996 to those Native Hawaiians.

Section 513. Housing assistance.

Provides the Secretary of HUD with authority to establish a program for the provision of block grants for affordable housing activities for Native Hawaiians, within the Native American Housing Assistance and Self Determination Act of 1996. The Secretary is to be guided by the program requirements of titles I, II and IV of the Native American Housing Assistance and Self-Determination Act in the implementation of housing assistance programs for Native Hawaiians under this title. The Secretary may make exceptions to, or modifications of, program requirements as necessary and appropriate to meet the unique situation and housing needs of Native Hawaiians. Sets forth definitions, the requirements associated with housing plans, and other program requirements.

Section 514. Loan guarantees.

Provides for loan guarantees for Native Hawaiian Housing. Loans guaranteed by the Secretary pursuant to this title shall be in amounts not to exceed one hundred percent of the unpaid principal and interest that is due on an eligible loan. A loan is an eligible loan if that loan is made only to a borrower who is a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, or a private nonprofit organization experience in the planning and development of affordable housing for Native Hawaiians.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

Section 601. Short Title References.

States that this title may be cited as the ''Manufactured Housing Improvement Act of 2000.''

Section 602. Findings and purposes.

Current law provisions are replaced with a more detailed statement of the original intent of Congress when it enacted the Federal Manufactured Home Construction and Safety Standards Act. Adds a consensus standards development process to the purpose of the act. Expresses the continuing need for affordability and the need for objective, performance-based standards, while emphasizing the need for consumer protection.

Section 603. Definitions.

Adds several definitions to Section 603 of current law concerning the consensus committee and the consensus standards development process (Section —4). Adds a definition for the monitoring function and related definitions for primary inspection agency, design approval inspection agency, and production inspection primary inspection agency duties, which had not been previously defined. The term ''dealer'' has been replaced throughout with the term ''retailer.''

Section 604. Federal manufactured home construction and safety standards.

Section 604 of current law (P.L. 93–383) is revised to establish a consensus committee that would submit recommendations to the Secretary of HUD for developing, amending and revising both the Federal Manufactured Home Construction and Safety Standards and the enforcement regulations. These recommendations would be published in the Federal Register for notice and comment prior to final adoption by the Secretary. The committee shall be composed of 21 voting members, appointed by the Secretary, based on recommendations of administering organizations, who shall be qualified individuals (7 producers of manufactured housing, 7 users of manufactured housing, and 7 general interest groups and/or public officials), and one additional non-voting member to represent the Secretary on the consensus committee. The committee would function in accordance with the American National Standards Institute (ANSI) procedures for the development and coordination of American National Standards.

If the Secretary fails to take final action on a proposed revised standard, the Secretary shall appear before the housing and appropriation subcommittees and committees of the House of Representatives and the Senate and state the reasons for failure.

Further, if the Secretary does not appear in person as required, the Secretary will be prohibited from expending funds collected under authority of this title in any amount greater than that collected and expended in the fiscal year preceding enactment of the Manufactured Housing Improvement Act of 2000.

The revisions to section 604 would also clarify the scope of federal preemption to ensure that disparate state or local requirements do not affect the uniformity and comprehensive nature of the federal standards. At the same time, the bill would reinforce the proposition that installation standards and regulations remain under the exclusive authority of each state.

Section 605. Abolishment of the National Manufactured Home Advisory Council; manufactured home installation.

Section 605 of existing law (P.L. 93–383) would be repealed, abolishing the National Manufactured Home Advisory Council, which is replaced by the consensus committee formed under Section —04. A new section 605 is added, entitled ''Section 605. Manufactured Home Installation,'' which give states five years to adopt an installation program. During this five-year period, the Secretary of the Department of Housing and Urban Development (HUD) and the Consensus Committee are charged with constructing a ''model'' manufactured housing installation program. In states that choose not to adopt an installation program, HUD may contract with an appropriate agent in those states to implement the ''model'' installation program.

Section 606. Public information.

Amends current requirements governing cost information of any new standards submitted by manufacturers to the Secretary by requiring the Secretary to submit such cost information to the consensus committee for evaluation.

Section 607. Research, Testing, Development, and Training.

Requires HUD Secretary to conduct research, testing, development and training necessary to carry out the purposes of facilitating manufactured housing, including encouraging GSE's to develop and implement

secondary market securitization programs for FHA manufactured home loans, and reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes.

Section 608. Prohibited Acts.

Requires continued compliance with the requirements for the installation program required by Section 605 in any State that has not adopted and implemented a State installation program.

Section 609. Fees.

Amends current section 620 by allowing the Secretary to use industry label fees for the administration of the consensus committee, hiring additional program staff, for additional travel funding, funding of a non-career administrator to oversee the program, and for HUD's efforts to promote the availability and affordability of manufactured housing. Prohibits the use of label fees to fund any activity not expressly authorized by the act, unless already engaged in by the Secretary, makes expenditure of label fees to annual Congressional appropriations review. Requires HUD to be accountable for any fee increase by requiring notice and comment rulemaking.

Section 610. Dispute Resolution.

In order to address problems that may arise with manufactured homes, Section 610 gives the states five years to adopt a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers regarding the responsibility for the correction or repair of defects in manufactured homes that are reported during the one year period beginning on the date of installation. This also requires state issuance of appropriate orders for the correction or repair of defects in the manufactured homes that are reported during the 1-year period beginning on the date of installation under the dispute resolution program. In states that choose not to adopt their own dispute program, HUD may contract with an appropriate agent in those states to implement a dispute resolution program.

Section 611. Elimination of annual report requirement.

Eliminates existing annual reporting by the Secretary to Congress on manufactured housing standards.

Section 612. Effective date.

Effective date of the legislation is the date of enactment, except that interpretive bulletins or orders published as a proposed rule prior to the date of enactment shall be unaffected.

Section 613. Savings provision.

Existing manufactured housing standards are maintained in effect until the effective date of the Federal manufactured home construction and safety standards pursuant to the amendments made by this act.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

Section 701. Guarantees for refinancing of rural loans.

Amends Section 502(h) of the Housing Act of 1949 to allow borrowers of Rural Housing Service single-family loans to refinance an existing direct or guaranteed loan with a new guarantee loan, provided the interest rate is at least equal or lower than the current interest rate being refinanced; the same home is used as security; the principal is equal to or lower than the refinanced amount plus costs, discount points not exceeding 2 basis points and, an origination fee by the Agriculture Secretary [HR 3834 (Andrews) Homeowners Financing Protection Act (passed the House under suspension on September 19, 2000).]

Section 702. Promissory note requirement under housing repair loan program.

Increases amount of promissory note (instead of use of liens on property) amounts from $2,500 to $7,500 (adjusted from late 1970's amount to account for home repairs, e.g., roofing, heating systems, windows, etc.) without going through the formal loan process.

Section 703. Limited partnership eligibility for farm labor housing loans.

Technical amendment that clarifies that limited partnerships are eligible for loans under Section 514 (Farm Labor Housing) in cases where the general partner is a nonprofit entity.

Section 704. Project accounting records and practices.

Sets forth accounting and record keeping requirements, including maintaining accounting records in accordance with generally accepted accounting principles for all projects that receive funds under this program; retaining records available for inspection by the USDA Secretary for not less than six years, and other requirements.

Section 705. Definition of rural area.

Extends designation of rural areas, for purposes of the Rural Housing Service housing programs, for a narrow category of communities until the 2010 census.

Section 706. Operating assistance for migrant farmworkers projects.

Allows Section 521 operating assistance for farm labor housing complexes where ''mixed'' migrant and annual workers will live.

Section 707. Multifamily rental housing loan guarantee program.

Allows Native Americans to become eligible borrowers under the multifamily loan guarantee program; authorizes a ''balloon payment'' as a financing option; allows fees from lenders to be used to help offset program costs; and repeals existing prohibition against the transfer of property title from the lender to the federal government as well as the prohibition against the transfer of liability from one borrower to another.

Section 708. Enforcement provisions.

Provides criminal penalties and civil sanctions for violations of program requirements.

Section 709. Amendments to title 18 of the United States Code.

Amends Title 18 of U.S. Code—Money Laundering—to strengthen enforcement and prosecution of program fraud and abuse.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

Section 801. Short Title.

This title may be cited as the ''Affordable Housing for Seniors and Families Act.''

Section 802. Regulations.

Provides that the Secretary of HUD shall issue regulations implementing the provisions of this title only after notice and opportunity for public comment.

Section 803. Effective Date.

Provides that the provisions of the title are effective upon enactment unless such provisions specifically provide for effectiveness or applicability upon another date certain.

SUBTITLE A—REFINANCING FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

Section 811. Prepayment and refinancing.

Requires the Secretary to approve prepayment of mortgages for Section 202 properties if the sponsor (owner) continues the low-income use restrictions. Requires that upon refinancing, the Secretary make available at least 50% of annual savings resulting from reduced Section 8 or other rental housing assistance in a manner that is advantageous to tenants, which may include increasing supportive services, rehabilitation, modernization, and retrofitting of structure, and other specified purposes.

This allows sponsors to build equity in their project that can be used to refinance at lower interest rates. The refinancing may result in lower project based Section 8 if the sponsor elects to lower debt service in addition to the lower interest rate. The savings can then be used for improvements to the facility or services for residents.

SUBTITLE B—AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Section 821. Supportive housing for elderly persons.

Authorizes such sums for the existing program of supportive housing for the elderly (section 202 housing) for FY 01 and ''such sums as may be necessary'' for FY 02, and FY 03.

Section 822. Supportive housing for persons with disabilities.

Authorizes such sums for the existing program of supportive housing for the disabled (section 811 housing) for FY 01 and ''such sums as may be necessary'' for FY 02, and FY 03.

Section 823. Service coordinators and congregate services for elderly and disabled housing.

Authorizes such sums for grants for service coordinators, who link residents with supportive or medical services in the community, for certain federally assisted multifamily housing projects for FY 01 and ''such sums as may be necessary'' for FY 02, and FY 03.

SUBTITLE C—EXPANDING HOUSING OPPORTUNITIES FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Part 1—Housing for the Elderly

Section 831. Eligibility of for-profit limited partnerships.

Allows 202 sponsors to form limited partnerships with for-profits, but the nonprofits must be the controlling partner. Through this partnership, the sponsors could compete for the low income housing tax credit. With this change, owners could build bigger developments and achieve scale economies. The units financed under Section 202 would be governed by those rules, and the tax units would be governed under those rules. States would still be making the decision who gets the LIHTC, and the limited partnerships would have to compete like everybody else.

Section 832. Mixing funding sources.

Allows private non-profit housing providers to use all sources of financing, including Federal funds, for amenities, relevant design features and construction of affordable housing for seniors.

Section 833. Authority to acquire structures.

Removes limitation allowing private nonprofit housing providers to acquire only RTC-held properties. RTC went out of business. This provision allows 202 projects to acquire properties.

Section 834. Use of project reserves.

Project reserves, a set-aside account funded through rent receipts for repairs to the building's structure or infrastructure over the years (roof, elevator, etc.), may be used

to reduce the number of dwelling units in the 202 project. The use of these funds is subject to the Secretary's approval to ensure the use is designed to retrofit obsolete or unmarketable units.

During the cost containment phase of the Section 202 program, many efficiencies were built. In many cases, it is preferable to convert efficiencies to 1 or 2 bedroom apartments. In other instances, the project may want to reduce units to make room for a clinic or community space.

Section 835. Commercial activities.

Makes clear that commercial facilities may be located and operated in Section 202 projects, as long as the business is not subsidized with 202 funds. These facilities can benefit residents and bring some additional revenue (rent) to the project.

Part 2—Housing for Persons with Disabilities

Section 841. Eligibility of for-profit limited partnerships.

Provides that for-profit limited partnerships are eligible to participate in the 811 program established under this Act. The nonprofit will be the controlling partner, and the limited partnership may compete with for the LIHTC.

Section 842. Mixed funding sources.

Allows private non-profit housing providers to use all sources of financing, including Federal funds, for amenities, relevant design features and construction of affordable housing for the disabled.

Section 843. Tenant-based assistance for persons with disabilities.

Provides that tenant-based rental assistance provided under Section 811 of the Cranston-Gonzalez National Affordable Housing Act may be provided by a private nonprofit organization as well as by a public housing agency as under current law. Caps the amount of tenant-based assistance under Section 811 at 25% of the yearly appropriation for Section 811 housing to ensure that money remains available for construction of affordable housing stock for the disabled.

Section 844. Use of project reserves.

Project reserves may be used to reduce the number of dwelling units in an 811 project to retrofit obsolete or unmarketable units. Allows flexibility to design the project in a way that makes it more comfortable and appealing for the residents.

Section 845. Commercial Activities.

Clarifies that commercial facilities may be located and operated in Section 811 projects, as long as the business is not subsidized with 811 funds.

Part 3—Other Provisions

Section 851. Service coordinators.

Allows service coordinators to assist low-income elderly or disabled families living in the vicinity of an eligible federally assisted project. Requires HUD and HHS to develop standards for service coordinators in federally assisted housing to educate seniors about telemarketing fraud and facilitating prosecution of such fraud. This change will make the project a focal point of the community, address the isolation many seniors feel particularly in rural areas—and help seniors protect themselves against fraud.

SUBTITLE D—PRESERVATION OF AFFORDABLE HOUSING STOCK

Section 861. Section 236 Assistance.

Allows owners of uninsured Section 236 projects to retain excess income. This money is needed for repairs to the aging projects. The FY 00 VA–HUD bill allowed uninsured Section 236 owners to retain excess income (which results when 30% of somebody's income exceeds the base rent established by HUD), but the authority had to be approved on an annual basis through the appropriations process. This provision puts the uninsured 236s on equal footing with the FHA insured projects, which are already allowed to retain excess income.

To the extent a project owner has remitted excess income charges to HUD since the date of enactment of the FY 1999 appropriations Act, the Department may return to the relevant project owner any such excess charges remitted. This would put these owners on an equal footing with those owners who had retained these excess charges and whom HUD has, through notice, permitted to retain such excess income.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

Section 901. Extension of Loan Term for Manufactured Home Lots.

Extends the loan terms for manufactured home lots financed by insured financial institutions from 15 years, 32 days to 20 years, 32 days.

Section 902. Use of Section 8 Vouchers for Opt-Outs.

Amends the VA, HUD and Independent Agencies Appropriations Act of FY 2001 by changing the effective date when Section 8 vouchers may be used in situations where owners opt out of the program from 1996 to 1994.

Section 903. Maximum payment standard for enhanced vouchers.

Amends the VA, HUD and Independent Agencies Appropriations Act of FY 2001 to require that HUD may not limit the value of enhanced vouchers as provided under the statute if such limit would adversely affect the assisted families to which enhanced vouchers are provided.

Section 904. Use of section 8 assistance by ''grand-families'' to rent dwelling units in assisted projects.

Allows HOME funds (in rental units otherwise not eligible for HOME funds) to be used for facilities with units with low-income families having a grandparent residing with a grandchild, or in some cases, where great- and great-great grandchildren are residing in the unit, with neither of the child's parents residing in the household.

TITLE X—FEDERAL RESERVE BOARD PROVISIONS

Section 1001. Federal Reserve Board Buildings.

Allows the Federal Reserve Board to have more than one building.

Section 1002. Positions of Board of Governors of Federal Reserve System on the Executive Schedule.

Raises the pay of the Chairman of the Federal Reserve Board from Level II of the Executive Schedule to Level I (approx. $14,800) and the Board Members from Level III to Level II (approx. $10,500).

Section 1003. Amendments to the Federal Reserve Act.

Provides a new reporting requirement to replace the expired provisions relating to the semi-annual ''Humphrey-Hawkins'' reports requirements. Section 1002 requires the Chairman of the Federal Reserve Board to appear before Congress a semi-annual hearings to discuss monetary policy as well as economic developments and prospects for the future. The Chairman will appear before the House Banking Committee around February 20 of even numbered years and July 20 of odd numbered years, and before the Senate Banking Committee on February 20 of odd numbered years and July 20 of even numbered years. Either Committee may request the Chairman to appear after his scheduled appearance before the other.

Requires the Federal Reserve Board to submit, concurrent with each semi-annual hearing, a written report to both Committees discussing the same subjects, taking into account developments in employment, unemployment, production, investment, real income, productivity, exchange rates, international trade and payments, and prices.

TITLE XI—BANKING AND HOUSING AGENCY REPORTS

Section 1101. Short title.

The title is cited as the ''Federal Reporting Act of 2000.''

Section 1102. Preservation of certain reporting requirements.

This Section reinstates certain reports which expired in May 2000 pursuant to the Federal Reports Elimination and Sunset Act of 1995.

(1) President's economic report, together with the annual report of the Council of Economic Advisors. Due: During the first 20 days of each regular session.

(2) President's report on impact of offsets on the defense preparedness, industrial competitiveness, employment, and trade of the US. Due: Annually (to Banking and Armed Services Committees) (This report discloses impact on the U.S. economy in cases where foreign governments, to justify the purchase of a U.S.-made defense systems, require technology transfers or direct in-country investments. Such concessions ensure the sale but may impair future sales or enhance the production capacity of a potential foreign competitor to the U.S.)

(3) Commerce Department report on operations under the Public Works and Economic Development Act of 1965 (by the Economic Development Administration) Due: Annually. (The EDA provides grants for public works and other assistance to alleviate unemployment in economically distressed areas.)

(4) HUD's agenda of all rules and regulations under development or review. Due: Semiannually (to Banking Committee).

(5) HUD report on early defaults on FHA-insured loans. Due: Annually. (The report includes data on lenders and the numbers of loans they make—and defaults and foreclosures thereon—by census tract.)

(6) Two HUD Reports related to rights: (a) Progress in eliminating discriminatory housing practices. Due: Annually. (The report reviews the nature and extent of progress in eliminating housing discrimination practices, obstacles remaining, and recommendations for legislation or executive action.) and (b) Data on applicants, participants, and beneficiaries of the programs administered by HUD. Due: Annually. (The report provides data on race, color, religion, sex, national origin, age, handicap, and family characteristics of applicants or participants in HUD programs.)

(7) Two HUD reports related to lead-based paint hazards: (a) Assessment of the progress made in implementing the various programs authorized by the Act. Due: Annually. (This report covers research/studies into lead poisoning and recommendations for legislative or other action to improve HUD's performance in combating such hazards.); and (b) Progress of the Department in implementing expanded lead-based paint hazard evaluation

and reduction activities. Due: Biennially. (This report is related to the one above and provides an assessment of HUD's progress in various lead-based paint abatement programs.)

(8) FHA annual report. Due: Annually. (The report provides an analysis of income-demographic borrower information, specifically related to incomes not exceeding 100% of area median income (AMI), 80% of AMI, 60% of AMI; minority central city and rural borrowers; and, HUD activities to ensure participation by these groups.)

(9) HUD annual report. Due: Annually. (This is an annual report by the Secretary to the President for submission to the Congress on all operations and programs under HUD's jurisdiction during the previous year.)

(10) HUD annual report. Due: Annually. (This is a general requirement for an annual report from the Secretary to the President on the activities of HUD for submission to Congress.)

(11) FEMA report on operations under the National Flood Insurance Act of 1968. Due: Biennially. (This report covers operations of the national flood insurance program offered to communities which enforce flood plain management measures.)

(12) HUD report on Indians and Alaska Native housing and community development. Due: Annually. (The report covers the housing needs of Indian tribes in the U.S. and HUD's activities in meeting such needs. It includes estimates of the costs of projected activities for succeeding fiscal years, statistics on the conditions of Indian and Alaska Native housing, and recommendations for new legislation.)

(13) HUD report on actuarial soundness of the Mutual Mortgage Insurance Fund. Due: Annually. (The report describes HUD actions to ensure the Fund maintains a capital ratio of at least 1.25 percent.)

(14) Treasury Department report on progress in enhancing human rights through U.S. participation in international financial institutions. Due: Quarterly (to Banking and International Relations Committees).

(15) Treasury Department reports: (a) Financial statement and report of transactions of the Exchange Stabilization Fund (ESF). Due: Monthly (to Banking Committee); and (b) Operations of the ESF. Due: Annually.

(16) OCC, FDIC, and Federal Reserve Board reports on activities of the consumer affairs division. Due: Annually. (These reports describe actions taken by the agencies to prevent unfair or deceptive acts or practices by banks and to address consumer complaints.)

(17) OCC Annual Report. Due: Annually.

(18) OTS report on minority institutions. Due: Annually. (This report relates to OTS actions to preserve minority ownership of minority financial institutions many of which serve lower income and minority communities.)

(19) Appalachian Regional Commission report to activities. Due: Annually. (The report covers Federal-State activities to support economic development in the 13 Appalachian states.)

(20) Export-Import Bank reports: (a) Export financing competition. Due: Annually. (This report reviews how well Ex-Im's programs compete with those of other export credit agencies, and includes other ''sub-reports'' which will also continue, i.e. the Trade Promotion Coordinating Committee (TPCC) Strategic Plan, Advisory Committee comments on Ex-Im's competitiveness, and Competitive Insurance Opportunities report on Ex-Im deals with respect to countries that deny opportunities to US insurance companies.); (b) Tied aid credits. Due: Biannually. (This report covers the tied aid credit program under which grants are made to supplement financing for a US export when it appears predatory financing will be available from another country for a competitor's product.); and (c) Operations as of the close of business each fiscal year. Due: Annually. (This report includes other ''sub-reports'' which would also be retained, i.e. environmental exports and small business exports. Three other sub-reports are listed for repeal under Section 1005.)

(21) FDIC report on operations of the Corporation. Due: Annually. (The report also includes information on the BIF and SAIF.)

(22) Federal Financing Bank report on activities of the Bank. Due: Annually. (The FFB lends to federal agencies to reduce the cost of borrowing, ensure coordination of borrowings with federal fiscal and debt management, and assure minimal disruption of private markets and institutions.)

(23) Federal Housing Finance Board Annual Report. Due: Annually.

(24) Federal Reserve survey of bank fees and services. Due: Annually. (The report covers discernible changes in cost and availability of bank services.)

(25) Federal Reserve assessment of the profitability of credit card operations of depository institutions. 15 U.S.C. 1637 Due: Annually. (The report also discusses trends in credit card interest rates.)

(26) Federal Reserve report on credit card price and availability information. Due: Semiannually. (The Board provides information on a sample of 150 card issuers twice a year.)

(27) Federal Reserve activities under the Equal Credit Opportunity Act. Due: Annually. (This information is included in the Board's annual report.)

(28) Federal Reserve report on administration of and recommendations as to changes in the Truth in Lending Act. Due: Annually. (The report provides information on compliance with TILA regulations.)

(29) Federal Reserve Board of Governors report of activities. Due: Annually.

(30) Federal Reserve report on policy actions of the Federal Open Market Committee and the Board. Due: Annually. (This is included in the Fed's annual report.)

(31) Federal Trade Commission's reports on administration of the Fair Debt Collection Practices Act. Due: Annually. (The report covers elimination of abusive debt collection practices.)

(32) National Credit Union Administration's report on operations and financial information. Due: Annually.

(33) Treasury Department report on activities and audit of financial statement of the Resolution Funding Corporation. Due: Annually. (REFCORP was established by FIRREA to raise funding for RTC resolution of insolvent S&Ls. Funds are appropriated to Treasury to pay interest on obligations issued by REFCORP.)

(34) Neighborhood Reinvestment Corporation's annual report. Due: Annually. (The corporation was set up to continue the work of the Urban Reinvestment Task Force in establishing neighborhood housing services and providing grants and technical assistance to facilitate reinvestment.)

(35) Voluntary agreements under the Defense Production Act. Due: At least annually. (This report is due to the Congress and the President from any individual(s) designated by the President, describing voluntary agreements and plans of action in effect for preparedness programs and expansion of production capacity and supply.)

(36) Justice Department report on data collection re banks and banking. Due: Quarterly. (This report details civil and criminal investigations and prosecutions relating to banking law offenses.)

(37) Federal Housing Administration Advisory Board report on assessment of the activities of the Federal Housing Administration; effectiveness of the Mortgagee Review Board. Due: Annually. (This report covers the soundness of FHA's underwriting procedures and other activities relating to the FHA's ability to serve nation's homebuyers and renters, as well as the effectiveness of the Mortgagee Review Board which takes action against mortgagees in violation of the Fair Housing Act or other statutory requirements.)

Section 1103. Coordination of Reporting Requirements.

Subsection (a) requires the FDIC's annual report to include the agency's annual consumer affairs report.

Subsection (b) requires the annual report of the Federal Reserve Board of Governor to include the Fed's annual report of activities under the Equal Credit Opportunity Act, the Board's annual consumer affairs report, the annual report on administration of the Truth in Lending Act, and the Fed's annual report on policy actions of the Federal Open Market Committee and the Board.

Subsection (c) requires the OCC annual report to include the agency's annual consumer affairs report.

Subsection (d) requires the Ex-Im Bank's annual report on export financing competition to include the tied aid report, and makes the latter an annual rather than semi-annual report.

Subsection (e) requires HUD's annual report to include the Department's two annual reports required under the Civil Rights Act relating to progress in eliminating housing discrimination and data on applicants and participants in HUD programs, the Department's annual and biennial reports on lead based paint, the Department's annual report on all HUD programs and operations, and HUD's annual report on housing programs related to Indians and Alaskan Natives.

Subsection (f) requires the annual report of the Federal Housing Administration to include the annual report on early defaults on FHA-insured loans and the annual report on the actuarial soundness of the Mutual Mortgage Insurance Fund.

Subsection (g) amends the International Financial Institutions Act to change Treasury's report on promoting human rights through international financial institutions from a quarterly report to an annual report.

Section 1104. Elimination of certain reporting requirements.

Provides for the repeal of certain Export-Import Bank reports. One is a report from the President requesting legislation if the amount of direct loan authority or guarantee authority available to the Export-Import Bank for the fiscal year involved exceeds the amount necessary. This report is being repealed because it is a corollary to the President's annual report on sufficiency of Ex-Im authority which expired pursuant to the sunset. There are four ''sub-reports'' to Ex-Im's annual report that are also to be repealed: (1) a report on specific Ex-Im's programs and activities to promote nonnuclear renewable energy resources and description of Ex-Im's actions to assist small business which is being repealed because this information is already included in other reports; (2) a report on Ex-Im's actions on maintaining ''key linkage industries'' which is unnecessary because Ex-Im's annual report covers

exports for various industries; (3) a report on Ex-Im's measures to supplement financing for agricultural commodities which was enacted 20 years ago but which is no longer needed with Ex-Im continuing to be involved in this area; and (4) a report on Ex-Im's programs on the export of services which is also covered in the annual report since it is part of Ex-Im's activities.

This section also provides for the repeal of a semi-annual FDIC report on the agencies efforts to maximize the efficient use of private sector contractors to manage assets held by the agency. There is little need for the report today since assets have declined significantly since 1991. The 1999 report showed the agency had only about 3% of the assets in liquidation it had 7 years earlier.

TITLE XII—FINANCIAL REGULATORY RELIEF

Section 1200. Short Title.

This title may be cited as the ''Financial Regulatory Relief and Economic Efficiency Act of 2000.

Section 1201. Repeal of Savings Association Liquidity Provision.

Repeals unnecessary provisions relating to savings association liquidity requirements.

Section 1202. Non-controlling Investments by Savings Association Holding Companies.

Allows a savings and loan holding company to acquire a five to twenty-five percent non-controlling interest of another SLHC or savings association, subject to the approval of the Director of the OTS.

Section 1203. Repeal of Deposit Broker Notification and Record Keeping Requirement.

Repeals requirement that brokers file a written notice with the FDIC before soliciting or placing deposits with an insured depository institution.

Section 1204. Expedited Procedures for Certain Reorganizations.

Simplifies procedures for a national bank reorganizing into a bank holding company.

Section 1205. National Bank Directors.

Permits national banks to elect directors to terms of up to 3 years on a staggered basis. Permits Comptroller to remove the limitation on the number of board members.

Section 1206. Amendment to Bank Consolidation and Merger Act.

Permits national bank, upon approval of Comptroller, to merge or consolidate with its subsidiaries or nonbank affiliates—with no increase in powers for the national bank.

Section 1207. Loans on or Purchases by Institutions of their own Stock.

Repeals prohibition on a bank owning or holding its stock, but retains prohibition on making loans or discounts on the security of its own stock.

Section 1208. Purchased Mortgage Servicing Rights.

Authorizes the appropriate Federal banking agencies to jointly simplify capital calculations by not requiring banks or thrifts to distinguish between types of mortgage servicing rights. This would allow regulators to value marketable mortgage servicing assets in capital determinations up to 100% of their fair market value rather than the current level which is limited to 90% of fair market value.

SUBTITLE B—STREAMLINING ACTIVITIES OF INSTITUTIONS

Section 1211. Call Report Simplifications.

Provides for the modernization of the call report filing and disclosure system.

SUBTITLE STREAMLINING AGENCY ACTIONS

Section 1221. Elimination of Duplicative Disclosure of Fair Market Value of Assets and Liabilities.

Clarifies that banking agencies need no longer pursue further development of the supplemental disclosure method. Even so, Section 36 of FDIA and its supporting regulations provide agencies with discretion to seek additional information in regulatory reports and annual reports regarding fair market value.

Section 1222. Payment of Interest in Receiverships With Surplus Funds.

Gives the FDIC the authority to establish a uniform interest rate with regard to receiverships.

Section 1223. Repeal of Reporting Requirement on Differences in Accounting standards.

Amends the requirement for each agency to produce an Annual Report on ''Agency Differences in Reporting Capital Ratios and Related Accounting Standards.'' Instead, this provision directs the Federal banking agencies to jointly produce one report.

Section 1224. Extension of Time.

Extends deadline for new FHLB capital rules from 12 months to 28 months.

SUBTITLE D—TECHNICAL CORRECTIONS

Section 1231. Technical Correction Relating to Deposit Insurance Funds.

Makes technical correction to FDIA.

Section 1232. Rules for Continuation of Deposit Insurance For Member Banks Converting Charters.

Makes technical changes with regard to a cross-reference cite.

Section 1233. Amendments to the Revised Statutes of the United States.

503(a) Provides that the Comptroller may waive the U.S. citizenship requirement for up to a minority of a national bank's directors. The Economic Growth and Regulatory Paperwork Reduction Act (EGRPRA) inadvertently deleted the long-standing authority of the Comptroller to waive the citizenship requirement for up to a minority of directors of national banks that are subsidiaries or affiliates of foreign banks.

503(b) Updates Section 11 to reflect that national banks no longer issue national currency, while maintaining the provision that prohibits the Comptroller from owning interest in the national banks they regulate.

503(c) Repeals Section 5138 of the Revised Statutes (first enacted in 1864), which imposes minimum capital requirements for national banks. This minimum capital requirement (ranging from $50,000 to $200,000) is obsolete, since Congress granted the Federal banking agencies the regulatory authority to establish minimum capital requirements in 1983.

Section 1234. Conforming Change to the International Banking Act of 1978.

Allows branches and agencies of foreign banks that satisfy the asset test imposed on domestic banks to be examined on an 18-month cycle instead of the 12-month cycle.

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

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

Mr. Speaker, in October of this year, our House passed S. 1452, a bill that included a number of housing and banking provisions that had been developed on a bipartisan basis. Unfortunately, the majority party in the Senate took issue with a few provisions in that bill and refused to take it up.

Therefore, in the interest of enacting the great number of positive, noncontroversial provisions, in the interest of advancing legislation, we are therefore back before this body without the excellent provisions that the Senate refused to accept.

Most critically, I am extremely disappointed that today's bill drops a provision that I authored to authorize 1 percent down FHA mortgage loans for teachers, policemen, and firemen who would buy a home in the school district or local employing jurisdiction where they work.

The purpose of my bill was to provide low downpayment loans to these critical public servants to help them afford to buy a home in the community they serve, and to help schools and localities recruit teachers, policemen, and firemen.

The Congressional Budget Office had projected that this provision would generate $125,000 new loans to teachers, policemen, and firemen over the next 5 years. Moreover, CBO projects it would have increased the Federal budget surplus by $162 billion over the same 5-year period. It was a win-win situation. And, the provision was supported by the Fraternal Order of Police, the American Federation of Teachers, the National Education Association, the American Association of School Administrators, et cetera.

In short, it is most unfortunate that today's bill omits that critical provision. Be assured, the House will be back again next year fighting for its enactment.

The bill we are now considering includes not only the Manufactured Housing Improvement Act, largely the House version, for which both the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. FRANK) in particular deserve special credit, but a number of other initiatives that have had broad bipartisan support, including other housing proposals, language reauthorizing the Humphrey-Hawkins report and other key consumer housing reports, and some technical changes of importance to bank and thrift regulators.

With respect to housing provisions, today's bill includes a number of provisions with bipartisan support that have been pulled together from homeownership and elderly housing legislation that has previously passed the House. The bill addresses the challenge of meeting the affordable housing and health care needs of our growing elderly population.

I am especially pleased the House is again acting on my initiative to make FHA reverse mortgages more affordable when used to buy long-term care insurance. This provision has recently been enhanced by adding a requirement

that any long-term care insurance policy must comply with disclosure, suitability, and contingent nonforfeiture requirements recently adopted under the National Association of Insurance Commissioners' model reg in order to qualify for the lower premium.

The bill also includes a number of provisions designed to encourage mixed-income mixed-finance elderly housing. This is something we need to do much more of. And it increases flexibility for federally-funded service coordinators, and provides more resources to sponsors of existing elderly housing to make needed capital repairs.

Our bill also represents a balanced resolution of the 3-year effort to reform our manufactured housing legislation. I would point out that the final product reflects a number of democratic pro-consumer initiatives.

For the first time, we will be establishing a national Federal installation standard, and requiring that there be a dispute resolution process in each State to adequately address consumer complaints.

With regard to the process of updating our construction and safety standards, we have revised the initial legislation to put HUD back in charge of setting standards, and have balanced the consensus committee process and eliminated its strong role in setting enforcement regulations, as proposed in previous drafts of this bill.

Should the present chairman of the Subcommittee on Housing and Community Opportunity wind up being Secretary of HUD, I think he will be especially happy that he conceded on those issues to us.

Finally, the legislation includes a number of noncontroversial but important provisions in the housing area, including technical corrections of the Private Mortgage Insurance Act, native Hawaiian housing legislation, Native American housing legislation, and a number of rural housing provisions.

The package also contains other important initiatives that have had broad bipartisan support in the House: legislation reauthorizing the critical Humphrey-Hawkins report and a number of other important consumer and housing reports that are essential in helping the authorizing committee to shape policy; some largely technical changes intended to remove some inefficiencies in the bank and thrift regulatory system.

As we reach the end of this congressional session, we should pass this very sound piece of banking and housing legislation.

Mr. Speaker, I would urge its adoption, and I reserve the balance of my time.

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

Mr. Speaker, first in response to something the gentleman from New York (Mr. LAFALCE) said, let me stress that the gentleman from New York (Mr. LAZIO) and I were deeply disappointed that the provision mentioned was deleted from the bill, and I am hopeful in the next Congress we can move forward with that kind of provision. I would be delighted to assist the gentleman in that effort.

Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA), the subcommittee chairman.

Mrs. ROUKEMA. Mr. Speaker, certainly I rise in strong support of this bill.

As has been outlined, it comprehensively addresses a range of banking issues: as mentioned, the important housing provisions and regulatory burden restrictions and regulation provisions.

Certainly I want to thank the chairman, the gentleman from Iowa (Mr. LEACH), for his outstanding leadership for bringing this bill in this form back to the floor. As has been noted, it was passed in October, but it did not get approved in the Senate.

In any case, I want to point out how deeply involved a number of us have been on this legislation. I want to point out that it is very important for us to resolve them hopefully once and for all.

The regulatory relief provisions of the bill I would like to focus on because Congress has a defined responsibility, and we have recognized that, to assure the Federal laws and regulations and the supervisory system promote safety and soundness of the banking system. Unnecessary regulatory burdens by their very nature, as we have learned over and over again in these recent years, unnecessary regulatory burdens have the effect of undermining the ability of banks to operate efficiently and effectively.

I want to point out that I am pleased that this bill includes H.R. 1585, the Depository Institution Regulatory Streamlining Act, which I introduced in Congress and have gotten broad support for. So I am very pleased that this is included.

There are a number of technical provisions, but we widely agree on a bipartisan basis that this is necessary. I am pleased that the bill contains many of the provisions that we have worked together on in a cooperative fashion, both on a bipartisan basis with the industry and with the regulators and all the members of the Committee on Banking and Financial Services.

I want to stress here something that has not been mentioned specifically. That is the private mortgage insurance technical corrections and clarifications that are included in this bill.

In particular, this bill will clarify the cancellation and termination issues to ensure that homeowners will be able to cancel private mortgage insurance, PMI, as it is noted. This is what Congress intended in 1998 in the bills that we passed at that time.

This clarification will be particularly helpful to those with certain adjustable rate mortgages. The bill also ensures that defined terms, such as ''adjustable rate mortgage'' and ''balloon rate mortgages'', are used consistently and appropriately. So this particular piece of legislation is consistent also with what the gentleman from Utah (Mr. HANSEN), a leader on this issue, desires. His legislation and leadership has been helpful, and we have put it into this bill.

Again I want to thank the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE), and look forward to clearing up a lot of ambiguities in the law through this legislation for the good of all people in housing, as well as regulatory relief.

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that I be allowed to control the time of the gentleman from New York (Mr. LAFALCE).

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

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that at this late date we are still able to move this bill forward. I would like to make a point that sometimes escapes our friends in the press and the rest of the press, which may be the majority.

The House is continuing to function, as will the other body. We will pass important legislation. There is this assumption among headline writers and some others that when there are major differences of opinion between the parties, somehow that means paralysis of the whole institution.

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This is one further example of the fallacy of that viewpoint. We are capable of strong disagreement on some important issues and at the same time being able to work together on nonideological matters that advance the public interest. This is an example.

There have probably been few times in our country's history when there has been a greater partisan division over some important subjects; that does not prevent this committee, and this House and, ultimately, this Congress from moving forward with an important piece of legislation that was more important than people will know, because it is not controversial.

We do have a journalistic tendency to equate controversy with importance, and if Members are not yelling at each other, nobody knows about it. This is a very significant piece of legislation that will advance important housing

interests, and it will be done in this kind of fashion.

There are some very important specifics. The manufactured housing piece has been alluded to. I want to acknowledge that the gentleman from Indiana (Mr. ROEMER), who sits here and who will be speaking later, did an enormous amount of work with me and others in persuading us of the importance of sticking with it.

We had some disagreements. I do not think everything in this is perfect.

Mr. Speaker, I yield to the gentleman from Iowa (Mr. LEACH), chairman of the Committee on Banking and Financial Services, because he and I had a colloquy on the manufactured housing piece in the last discussion of this bill. And I would just like to incorporate it by reference and ask the gentleman if he agrees that our previous colloquy should stand with regard to this bill.

Mr. LEACH. Mr. Speaker, I fully agree with the gentleman from Massachusetts (Mr. FRANK), and I believe it was a thoughtful expression of concern on the gentleman's part in the last debate, and that colloquy should stand exactly as in this debate.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Iowa (Chairman LEACH), and I hope we have set an example for our colleagues by referring to something we both said before and not repeating it.

The manufactured housing piece is important, because manufactured housing is important. Manufactured housing is an undervalued housing resource, particularly for people of moderate income, and to the extent that we can advance the ability of the manufactured housing industry to supply that important niche in the housing market, we should take it. We advance it in this bill.

There are some gaps, as we have said, and I look forward to working on them next year. We also took some steps to further protect those tenants who are living in federally subsidized tendencies, not public housing, but privately owned, federally subsidized tenancies, who would otherwise have been victimized by a 20-year expiration date that was put into the law that should not have been. This tweaks further legislation, that we did in a favored way earlier, the gentleman from New York (Mr. LAZIO), chairman of the Subcommittee on Housing and Community Opportunity, and I had worked on. We in this past Congress, essentially protected virtually all of the tenants in those tenancies from eviction.

I wish we could have also protected the tenancies. We could not. That is, when the existing tenants leave, we will lose those subsidized units. That is something I hope we will address next year, but we have protected the tenancies.

I appreciate the ability to work with the gentleman from New York (Mr. LAZIO) on that, and we extend that somewhat here.

We do some other important things in this bill within the limits that were set for us, and this is the final point I want to make, this is an example of cooperation on a nonideological set of issues where we were able to, within the framework of existing programs and law, improve things.

There is one other specific thing I want to mention that is important, and that was we make it easier to ease Federal housing assistance supplied through HUD in conjunction with the low-income housing tax credit, and we should again be doing more of that next year. That is a very important piece that the gentleman from New York (Mr. LAZIO) and I have worked on, and I am very pleased that we have been able to do that to improve the efficiency of both programs so they can go further.

This leaves us, however, with an undone task. And I am grateful to the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAZIO), and the staffs of both committees who did an enormous amount of important technical work on this bill, which is primarily a technical bill. We did the best we could within the framework. Now is the time to address the framework.

There is a housing crisis increasingly in this country caused, ironically in some part, by prosperity because, as some people increase their wealth, those who are not participants in that prosperity find themselves squeezed. That is why we tried, as the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) mentioned, to extend some special help in cities to policeman and teachers, people who serve our public interests and who are sometimes required by law to live in the municipality where they work but find themselves by economic trends priced out of an ability to live there.

We tried to help them. It is time for us to get back in the business of increasing housing production. This bill and the previous bill that we adopted goes as far as it is possible to go without getting back in the housing production business, but the demands of this society are such that now we have to get back in the housing production business, and I hope we will be able to do that next year.

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

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in strong support of the American Homeownership and Economic Opportunity Act of 2000, legislation containing a number of housing measures which the House has already approved throughout the 106th Congress.

Though our economy is strong, it imperative that Congress continue to focus on the needs of those who are in need of clean, safe, and affordable housing. Furthermore, we must recognize that often outdated or poorly crafted regulations are the only barriers standing between working families and homeownership.

Accordingly, I want to thank our good friend and colleague, the gentleman from Iowa (Mr. LEACH), our distinguished chairman of the Committee on Banking and Financial Services for the introduction of this legislation now before us.

In addition, I want to commend the gentleman from New York (Mr. LAZIO), chairman of the Subcommittee on Housing and Community Opportunity, for his diligence and outstanding work in seeing these measures through to a successful conclusion. The gentleman from New York (Mr. LAZIO) throughout his tenure in the Congress has been a strong champion for affordable, accessible and quality housing for all of our citizens.

The legislation before us today provides grants to States and local governments to renew regulatory barriers against affordable housing. It also provides for the refinancing of home equity conversion mortgages for our elderly and provides authorization for public housing authorities to provide down payment assistance and important construction and safety standards for manufactured homes.

Moreover, this legislation provides numerous other worthy programs to streamline and provide homeownership opportunities.

Accordingly, Mr. Speaker, I urge all of our colleagues to support this important omnibus housing measure, and I thank the gentleman from Iowa for yielding the time to me.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. ROEMER), who did so much to make sure that we address the manufactured housing issues in this bill.

Mr. ROEMER. Mr. Speaker, I thank my good friend, the gentleman from Massachusetts (Mr. FRANK) for yielding time to me, and I would like to start by talking about this bipartisan bill in a bipartisan way and saying to my colleagues here, as the gentleman from Massachusetts (Mr. FRANK), my good colleague said, to the people hopefully watching on television, that I hope this bill is a stepping stone for successes of a future Congress, that we can work together in a bipartisan way to help moderate- and low-income people get access to housing and help their children and help their families and help engage in this economy that has benefitted so many people but has also left some behind.

I want to especially thank the gentleman from Massachusetts (Mr. FRANK), my friend, and the gentleman from New York (Mr. LAFALCE) for never giving up on this bill at times when this process may have killed this bill or put it in the Senate, where we had some tough sledding for a while; and I want to thank the gentleman for your tenacity and your determination.

I want to thank the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAZIO) for their hard work on this legislation.

In perspective, Mr. Speaker, roughly one out of every four new homes in America is a manufactured home; and yet up until today, up until this historic moment, we have waited almost 26 years to update the regulatory infrastructure to say how we will produce and manufacture these homes that are increasingly better quality and increasingly places for people to start in the home equity ladder and moving up.

This is historic in meeting this challenge from the American people. I am very happy we finally are there today passing this legislation. Can we imagine if we were passing high-technology legislation that had not been addressed for 25 years given the changes in that industry over the last 8 years?

We have worked with President Bush and Secretary Kemp. We have worked with President Clinton and Secretary Cisneros and Secretary Cuomo and Mr. Apgar on this legislation, and I want to thank them and the Clinton administration for their hard work and their diligence and their patience and their tenacity to get this legislation through today.

In a broader sense, S. 1452 promotes and expands modified section 202, elderly, and section 811, disabled housing programs. It allows seniors to refinance federally insured reverse mortgages, and it includes numerous bank regulatory relief provisions. All of these provisions are very important in including people in the ladder of homeownership.

As a longtime advocate of manufactured housing, I have been working with the Department of Housing and Urban Development for successive Presidential administrations and for 8 years to pass this important regulatory change in the climate of how we address regulations for consumer safety and for safe products coming from the industry.

I am currently one of the authors and cosponsors of this Manufactured Housing Improvement Act, which has become title VII of this bill. It seeks to reform and improve the Federal manufactured housing program by modernizing 26-year-old statutory frameworks that have often been characterized by ineffective allocation of resources within the agency and a poor response to the needs and concerns of both manufacturers and consumers.

Mr. Speaker, I again thank my colleagues for this bipartisan legislation and hope this leads to bipartisanship in education and debt reduction and electoral reform and campaign finance reform in the next session of Congress.

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

Mr. Speaker, first let me thank the gentleman from Indiana (Mr. ROEMER) for his thoughtful additions to this bill. Manufactured housing is clearly one of the most important aspects of the American housing mosaic and key to our future.

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

Mr. BEREUTER. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, this Member wants to express my appreciation and my commendations to the gentleman from Iowa (Mr. LEACH), Chairman of the Committee on Banking and Financial Services; the gentleman from New York (Mr. LAZIO), Chairman of the Subcommittee on Housing and Community Opportunity; the gentlewoman from New Jersey (Mrs. ROUKEMA); as well as the gentleman from New York (Mr. LAFALCE); the gentleman from Massachusetts (Mr. FRANK); and to the gentleman from Indiana (Mr. ROEMER) and others who have made important contributions in this legislation.

This legislation does, through a number of provisions, advance the cause of homeownership across the United States, as well as improving the housing opportunities for those Americans who rent their homes.

Mr. Speaker, I remind my colleagues that among the most poorly housed Americans are those that live on Indian reservations. In most cases, they live in housing that is public housing, but by the permanent extension of a demonstration program, section 184, we provide for the first time through this legislation a continuing opportunity for Native Americans living on Indian reservations to own their own homes. This Member believes that is a major contribution.

Additionally, as a part of that effort, through the establishment of an Indian Lands Title Report Commission, with a sunset, we will see direction and consistency given to the Bureau of Indian Affairs so that their procedures are standard and have a positive effect across the whole country for the use of section 184.

In the area of the housing programs of USDA, this legislation makes a number of very important advances. Among other things, it makes it possible for us to extend the provisions of the so-called ''Norfolk amendment'' to those medium-sized cities that are nonmetropolitan for the next decade.

These are important provisions of USDA's housing programs for those of us Americans who live in smaller cities and villages and on farms. Through this method and others, as we modernize and make it more likely that these USDA programs will be beneficially used by the USDA's clients across the country.

This legislation, H.R. 5640, contains many of the same provisions included in the earlier American Homeownership and Economic Opportunity Act, H.R. 1776, which passed the House by a vote of 417–8, on April 6, 2000, with this Member's support. Unfortunately, the Senate has yet to act on H.R. 1776. In addition, many of these provisions also were included in S. 1452, which passed the House on October 24, 2000, by a voice vote. Unfortunately, the Senate failed to act on S. 1452.

For many Americans, the most important investment they make is to purchase a home. Homeownership gives an individual or family a sense of pride in themselves, their home, as well as in their community. This legislation goes to great lengths to promote homeownership for Americans across the entire country.

The following are, in this Member's opinion, six significant provisions, among many others, of the American Homeownership and Economic Opportunity Act of 2000.

First, this legislation allows families to use their Federal monthly assistance for down payment assistance.

Second, this legislation amends Section 502(h) of the Housing Act of 1949 to allow borrowers of the Rural Housing Service (RHS) single-family loans to refinance either an existing Section 502 direct or guaranteed loan to a new Section 502 guaranteed loan, provided the interest rate is at least equal or lower than the current interest rate being refinanced and the same home is used as security.

This Member supports this legislation as it utilizes the RHS Section 502 Single Family Loan Guarantee Program. In particular, this loan guarantee program, which was first authorized because of my initiative, has been very effective in non-metropolitan communities by guaranteeing loans made by approved lenders to low to moderate income households.

In particular, since its inception as a pilot program in 1991, the Section 502 Single-Family Loan Guarantee Program has facilitated over $10.2 billion in lending in non-metropolitan areas. This translates into 151,000 loans to families who now own homes which they otherwise may not have been able to purchase.

Third, this measure extends the grandfather status until the 2010 census for similarly situated cities nationwide like Norfolk, Nebraska, to continue to be able to use the USDA Rural Housing Service program. The current grandfather is until the 2000 census, which is currently under way. This Member introduced a bill earlier in the 106th Congress which would accomplish the furtherance of this grandfather provision until 2010.

Fourth, this legislation also includes a permanent authorization of Section 184, the Native American Loan Guarantee program, which this Member authored. Under current law, the Section 184 program is authorized through 2001. A very conservative estimate would suggest that the Section 184 program should annually facilitate over $72 million in guaranteed

loans for privately financed homes for Indian families who are otherwise unable to secure conventional financing due to the trust status of Indian reservation land.

Fifth, a provision is included in this legislation which would create a short term Indian Lands Title Report Commission to improve the procedure by which the Bureau of Indian Affairs conducts title reviews in connection with the sale of Indian lands. This provision is identical to a bill that this Member introduced previously in the current 106th Congress. Moreover, this Commission should facilitate the Section 184 program to benefit additional Native Americans in purchasing homes.

Sixth, this Member is pleased that as a matter of equity, this legislation extends Native American housing assistance to Native Hawaiians. In particular, it applies the Section 184 Loan Guarantee program to the unique legal status of the Hawaiian home lands.

Lastly, it is important to note that this bill no longer contains the Federal Housing Administration (FHA) reduced downpayment provisions for municipal employees. This provision resulted in opposition to the bill by some in the Senate. Hopefully, the Senate will now finally act on the American Homeownership and Economic Opportunity Act of 2000.

In closing, this Member, because of the above provisions, and for other reasons, would encourage his colleagues to vote for H.R. 5640.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Ohio (Mrs. JONES), a very active member of the Subcommittee on Housing and Community Opportunity.

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services, and the gentleman from New York (Mr. LAFALCE), my ranking member on the Committee on Banking and Financial Services, and the gentleman from Massachusetts (Mr. FRANK), the ranking member on the Subcommittee on Housing and Community Opportunity, for all the work that they do in this particular area.

In my first term of Congress, serving on the Subcommittee on Housing and Community Opportunity has been one of the most exciting opportunities that I have had. I am glad to serve as the chair of the Housing committee for the Congressional Black Caucus.

This piece of legislation will provide a number of incentives for housing ownership in my congressional district.

□ 1115

On December 1, I had the pleasure to have an opportunity to celebrate World AIDS Day and went to a facility in my congressional district funded as a result of some of the work that we have been doing on the Subcommittee on Housing and Community Opportunity to visit a home, a facility, where there are 14 apartments for people who are living with AIDS just to see in place some legislation that was proposed and passed. And actually seeing it in place was an exciting thing for me.

Let me point out two or three things that I think are particularly significant about this piece of legislation. One of those is wherein people can use section 8 dollars for down payment on a home. I believe that if we can have families who have wonderful homes or have comfortable homes where they can raise their families and live together and enjoy one another, we can deal with many of the issues that we address in our particular country.

One section, section 904, provides for section 8 housing assistance for grandfamilies, meaning grandparents or great grandparents who are raising their grandchildren. In my congressional district, that is a significant issue; and I am constantly confronted by grandparents and great grandparents saying ''I need help.'' So I am so happy to see this in the legislation as well.

With regard to pilot programs for homeownership for disabled families, that is an important issue as well.

So I just come here to say I am pleased that we in this Congress on this date, December 5, are able to pass a significant piece of legislation that is bipartisan so that the public can see we are moving forward with the issues of the day and representing the American people.

Mr. LEACH. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. LAZIO), this body's great friend and I guess the term is ''soon to be departed,'' but with our greatest, greatest esteem.

Mr. LAZIO. Mr. Speaker, let me thank the gentleman from Iowa (Mr. LEACH), the distinguished chairman of the Committee on Banking and Financial Services, not just for his persistence and hard work, his professionalism and dedication with respect to this bill, but as a partner and as a friend, as an honest broker, as somebody who has worked very hard over these last 6 years to enact sweeping housing legislation. I am very, very appreciative for his extraordinary efforts.

Mr. Speaker, I would also like to thank the members of the committee, the gentleman from Massachusetts (Mr. FRANK), who has been a terrific partner as well in working through in a bipartisan fashion many of these issues, the gentleman from New York (Mr. LAFALCE), Members on both sides of the aisle who have been tremendous advocates for housing.

Last, but certainly not least, I thank the people who staff the committee on both sides of the aisle, a thankless job that should be acknowledged; and, in my humble way, I hope I can right now.

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

Mr. LAZIO. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I would just on behalf of everyone on our side want to reciprocate, because the gentleman from New York (Mr. LAZIO) has been an exemplar of our ability to at the same time have disagreements on major policy issues that are legitimately debated and yet to be able to work in a very constructive fashion on a broad range of common agreement.

I thank the gentleman from New York for helping us set that wonderful example, and he can look back on a record of a very significant accomplishment of protecting vulnerable tenants.

Mr. LAZIO. Mr. Speaker, I thank the gentleman very much.

More than ever in the impending political environment, comity and bipartisan cooperation, as the gentleman from Massachusetts (Mr. FRANK) has just referred to, will be the overriding guiding principles that will shape public policy.

Mr. Speaker, like no other country in the world, Americans cherish the ideals of self-sufficiency and independence that is embodied in the family home. For many of us, the most important financial investment that we make in our lives is the purchase of a home. Homeownership creates a sense of community, binding neighbors together, investing all in the common good.

Today, two-thirds of Americans own their own homes, continuing a trend since the mid-1990s of historically high homeownership rates. Much of this success is attributed to the strong American economy, a product of Federal fiscal restraint, and the enterprising spirit of working men and women across the country.

Yet a paradox of the strong economy has been the rising real estate prices unmatched by a similar rise in income for many working families. For African American and Hispanic American populations, homeownership rates continue to remain under 50 percent.

We are also confronting a demographic explosion as America's baby boomers move into retirement years. Today, there are more than 33 million Americans age 65 years and older. By the year 2020, the number will grow to almost 53 million, or one in every six Americans. Already more than a million senior citizens across the country are experiencing worst-case housing needs.

Our challenge is to do more. Our blueprint is before us. Today we consider what in many ways is the final piece of the housing puzzle. During my time as chairman of the Subcommittee on Housing and Community Opportunity, we have enacted the most comprehensive public housing reform in 60 years. We have reformed Native American housing, section 8 housing. We have provided the first major partnership with the Habitat For Humanity,

reverse mortgages for seniors. We have set in place mechanisms to provide permanent housing solutions to homelessness. Most recently, we have provided a means to preserve affordable housing for seniors and individuals with disabilities incorporated right in this bill.

Mr. Speaker, our proposal will build on these accomplishments and help provide millions more Americans with greater opportunity for affordable housing and homeownership. Let me mention just a few of the provisions that will make a very real difference in the everyday lives of Americans across the country.

Today, more than 3 million families receive annual rental assistance through HUD section 8 voucher program. Many of these families would rent for life, never being able to achieve a sense of homeownership, never being able to achieve and build personal equity.

Our proposal builds on a successful nonprofit demonstration project in my home district on Long Island to allow families receiving section 8 to aggregate up to 1 year's worth of assistance toward down payment and closing costs. So instead of a perpetual cycle of rental assistance, we are helping build personal wealth and a sense of pride. Most importantly, we are helping families across the country achieve the American dream of homeownership.

As we look to the future, for our parents and the generations to come, the issue of affordable housing will be as critical as the future of Social Security and Medicare. Without a roof over one's head, little else seems to matter.

Our proposal today also includes a comprehensive set of initiatives to give nonprofit housing providers greater flexibility and resources to grow the inventory of affordable housing for seniors and individuals with disabilities. If we do nothing else, we must provide security and peace of mind for those who have given so much for their families and to our country.

Mr. Speaker, our continuing challenge must be to recognize that the family home serves as a foundation for all else, where we teach our children right from wrong, our sanctuary from the rush of the outside world, and where we draw strength for the other pursuits of life and faith.

Today we take an important step toward an agenda for housing and the renewal of the American dream.

This legislator is very proud to be closing out his career doing just what he has always loved to do, legislating.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield the remaining time to the gentlewoman from California (Ms. LEE), one of our most active and dedicated supporters of the inadequate housing response.

Ms. LEE. Mr. Speaker, I want to thank the gentleman from Massachusetts for yielding me this time and also for his steady and committed work and focus on behalf of affordable housing initiatives throughout our country.

I also want to thank the gentleman from New York (Mr. LAFALCE), also the gentleman from Iowa (Mr. LEACH), our committee chair, and the gentleman from New York (Mr. LAZIO) for bringing this bill to the floor in such a bipartisan manner.

I come from one of the areas in the country which is really quickly becoming the least affordable area to live in, the Bay Area of California. So as a Member of this subcommittee, I have been very pleased to work with our leadership to develop this bill.

I want to just say a couple of things with regard to housing, because we know that housing is really not just a roof over one's head. Having a decent place to live can make all of the difference in the world in terms of the quality of life.

Also, homeownership provides one with a stake in the American dream. It provides the average, ordinary American with the ability to develop equity so that he or she may develop a small business or send their children to college. Not everyone has stock options. Not everyone can accumulate wealth through mutual funds and through planning in the stock market. So homeownership is so integral and so serious in terms of the ability to realize the American dream.

In a time when our country is experiencing a time of unprecedented economic growth, we must seize this opportunity to invest in those who need it the most. In communities across our Nation, like, again, in my district in Oakland, California, which, again, has been in the past been a very affordable city but now is becoming one of the least affordable cities, we have our nonprofits and developers and local governments working together to develop strategies to find solutions to our housing crisis. This bill will help us tremendously in our efforts.

Clearly, the Federal Government must always fight hard to maintain what we believe is a very central part to the American dream, and that is homeownership.

So I would like to thank both sides again for allowing us the opportunity to bring this bill forward. It is one of the most important pieces of legislation this year for my area. I want to thank my colleagues again for the opportunity to make my presentation.

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

Mr. Speaker, in conclusion, let me thank again the gentleman from New York (Mr. LAFALCE), the distinguished ranking member, and the gentleman from Massachusetts (Mr. FRANK), as well as the gentleman from New York (Mr. LAZIO) and the gentlewoman from New Jersey (Mrs. ROUKEMA), two extraordinary subcommittee chairmen, on this bill.

This is a bill that has returned to the House with a very important provision unfortunately deleted because it could not receive consensus in the other body. But I am very hopeful that this bill in its current form can be accepted by the other body and that we will have a change in law that will be for the good of the country and particularly for the good of those Americans that are on the cusp of being able to afford a family home. I urge acceptance of this bill.

Ms. PELOSI. Mr. Speaker, I rise in support of the American Homeownership and Economic Opportunity Act which would enhance America's affordable housing and promote homeownership opportunities. Far too many, an estimated 5.4 million Americans, suffer worst-case housing needs, paying more than 50 percent of their income for housing, and this bill takes important steps to address this and related housing needs. The bill would enable tenants to use their section 8 rental assistance as a downpayment toward homeownership, strengthen the service delivery of elderly and disabled service coordinators, and streamline manufactured housing standards.

I strongly support the important provisions in this bill that would protect tenants of project based section 8 buildings, especially those who have experienced conversion of their units to market rent levels, through owner opt-outs or prepayments. Tenant protections are needed to avoid displacing HUD tenants, to provide converted tenants with enhanced vouchers, and to reduce other harmful effects. It is vital that Congress enact all the needed legal steps and HUD take the needed administrative steps to ensure project based tenants may continue to reside in their units and are held harmless against conversion's adverse consequences. This bill takes important steps and in the next Congress, I will continue working toward this goal.

I strongly support this bill's reach back provision, "Use of Section 8 Vouchers for Opt-Outs", which would protect tenants whose properties were converted in the years before Congress addressed the owner opt-out problem. This provision would enable HUD to grant converted tenants protective enhanced vouchers in opt-out situations extending back to fiscal year 1994. This bill also contains an important provision, "Maximum Payment Standard for Enhanced Vouchers", which would grant some HUD discretion to limit the enhanced voucher payment standard, yet deny this discretion where it adversely affects HUD tenants. The House passed Manufactured Housing Improvement Act includes these provisions in sections 902 and 903. HUD also supports them.

It is disappointing that the Senate did not support, and this bill does not include, the House passed provisions to promote homeownership for public service employees, which would enable teachers and public safety officers to obtain FHA loans with a 1-percent downpayment. Earlier this year, in coordination with concerned constituents, I authored a successful amendment to the House passed American Homeownership and Economic Opportunity Act, H.R. 1776, to extend this opportunity to prekindergarten teachers. Many cities

and rural communities, including the district I represent, San Francisco, suffer a shortage of quality teachers and are experiencing problems recruiting and retaining teachers. To alleviate this problem, we must take additional steps to help teachers and public sector employees obtain affordable housing in the communities they serve.

I urge my colleagues to support this bill and continue working to increase affordable housing opportunities across the country.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 5640.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5640.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FOREST SERVICE RELEASES PREFERRED PROPOSAL FOR ROADLESS AREA INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Wisconsin. Mr. Speaker, in the brief time I have today, I would like to talk about what consumer advocates would call a case of bait and switch. The shameful deceit of which I speak was made clear on November 13, because, on that day, the Clinton administration's Forest Service released their, quote-unquote, referred proposal for a roadless area initiative that will close off 60 million acres of public land from the public itself. As we have learned just recently, the Forest Service may actually issue the final version of this plan as early as next week.

This plan bans road construction, timber harvesting, and even road reconstruction in these areas. This affects 69,000 acres of the Chequamegon-Nicolet National Forest in my district, and, as I said, millions of acres all across our Nation.

It locks away all of this land from economic opportunities as well as from the taxpayers who use the land for recreation. I call it a bait and switch because, throughout this process, while the administration was talking a good game about continued access to the forest during the public comment period, they obviously intended all along to institute this much more sweeping, much more restrictive proposal after the public's opportunity for comment had expired.

□ 1130

Mr. Speaker, throughout this process, the people of northern Wisconsin have been assured and reassured that responsible timber harvesting would not be restricted under this plan. Now, the Forest Service drops this final proposal on the folks whose livelihoods are at stake and, to add insult to injury, offers them no chance whatsoever to comment, telling them that they have already had their chance to speak out.

This is an unbelievable act of arrogance by an outgoing administration, and it should outrage every Member of this body, no matter what their party, no matter how they feel about the issue itself. Our forests should not be locked away from the public by Washington bureaucrats.

Keeping our forests open to multiple uses is essential to preserving the way of life in my district and in forests all across America. Entire communities and their economies rely on this access for their very survival. And what is not discussed nearly often enough, keeping these areas open to responsible multiple use is essential to preserving the forests themselves.

Let us go back some time, to 1924, when the Wisconsin legislature originally decided to release these lands to the Federal Government to create the national forests. The Federal Government said explicitly and on the public record that it was acquiring these lands to restore them to a condition of maximum productivity and to maintain public access. That was the reason for taking these forests, to maintain public access. But, of course, the new restrictions that I am talking of fly in the face of that agreement.

Obviously, if the Wisconsin legislature, if the Wisconsin citizens knew then what we know now, they never would have transferred these lands. In fact, some of my constituents are even exploring legal action to try to reclaim these lands.

I am outraged and I am disappointed that the Forest Service has brushed aside so cavalierly the economic impact this policy will have on communities and citizens all across northern Wisconsin. Perhaps if the Forest Service had listened or accepted further comment from the people in my district, they would have understood the real impact of this policy.

I am going to do everything I can, and I am sure some of my colleagues will follow suit, to make sure that the people in communities like those in northern Wisconsin have the chance to publicly comment and have their opinions recorded. In fact, Mr. Speaker, I am going to place these letters that I have right here from my constituents into the CONGRESSIONAL RECORD. These letters are but a very small representation, a handful of the hundreds of letters that I have received opposing this plan.

There are comments like this one, from my constituent, Brian Swearingen, in Appleton, Wisconsin. He writes, ''While the Forest Service suggests that it has the public interest in mind when advocating this initiative, little thought appears to have been given to the impact this policy will have on Americans who enjoy using our country's public lands.''

I will submit these for the RECORD. We can only hope that the powers that be will take them into account.

APPLETON, WI, *November 17, 2000.*

DEAR REPRESENTATIVE MARK GREEN: As someone who enjoys visiting and using our public lands, I am writing you to express my grave concern over the various policy initiatives undertaken by the Clinton Administration to limit access to public lands. Of particular concern to me is the Roadless initiative sponsored by the U.S. Forest Service.

While the Forest Service suggests that it has the public interest in mind when advocating this initiative, little thought appears to have been given to the impact this policy will have on Americans who enjoy using our country's public lands. Of particular concern is the fact that senior citizens and those with disabilities will be locked out of our public lands if this initiative becomes effective.

It is important that the Congress begin to exercise oversight of the Forest Service especially since the agency seems to be forfeiting its responsibility to manage our national forests with a multiple use perspective. I believe that public lands can be utilized and kept environmentally safe all at the same time. Keeping people out of our public lands should not be an acceptable solution.

The U.S. Forest Service Roadless initiative must be stopped. Please become active on this issue.

Sincerely,

BRIAN SWEARINGEN.

FOREST SAWMILL, INC.,
Wabeno, WI, November 28, 2000.

DEAR REPRESENTATIVE MARK GREEN: Thank you for your help in the fight against the Roadless area. Here are some of my thoughts on the subject. First I believe we should be allowed to make public comment on the final plan, since it is so different from what we were being told at many of the meetings. In Mike Dombeck's opening letter he says that he wanted to thank all the people that participated in this rule making. The wealth of insight and experience improved the proposal and the analyses of social, economic, and environmental effects. In reading the summary, I get the feeling that none of our ideas were taken into account

and that the meetings were just a smoke screen to make us believe we were getting input.

In looking at the job loss numbers, I believe they aren't accurate. I feel this because every job lost has a trickle down effect that travels through the whole community and the whole state.

The summary also states on page S–27 that timber production has been reduced from 12 Billion board feet in 1987 to 3 Billion board feet in 1999. This disturbs me because these areas are already greatly effected by the dramatic reduction already put in place through the last 12 years. Many of these areas are mere skeletons of what they were in the times of proper forest management. The western states are fine examples of this. The Forest Service's idea to fix the problem is to throw money at the problem. This is never a way to fix a problem. (The plan is described on page S–10.) The way to fix the problem, is to not create it in the first place. This could be done by properly managing the resources we are letting go to waste.

In closing I think we should give our forest back to foresters to manage. This means we should have foresters in every level of the Forest Service to help develop plans of action, instead of people with no idea of how properly managing a forest. During a meeting in Crandon, WI, one of the planners said, this was the best way to develop a plan with public input. I feel this job should be given to trained foresters, because to let the public decide is leaving the decision to people with no education on the subject. These people are ruled by whims, not any knowledge on proper management.

Sincerely,

EDWARD PIONTEK, JR.,
Vice President.

PINE RIVER TRANSPORT, LTD.,
Long Lake, WI, November 30, 2000.

Inventoried Roadless Area in Florence County

The 18,000 acre closure to timber cutting when coupled to all the other forest service set asides is going to further exacerbate the rapid drop in volume harvested from the Nicolet National Forest.

This in addition to the new Administration Rules on hours and the 95% reduction in the amount of sulfur in diesel fuel will make the continued operation of this trucking company very questionable, as fuel costs will soar.

Good management of our National Forests can provide all the multiple use benefits that we all value so highly. At the present time ''Mother Nature'' in the form of fire, wind and disease has taken over the management of the forests from the Forest Service.

It is my understanding that the so called ''Roadless Area'' in Florence County is actually fully roaded and is far from the inaccessible pristine areas referred to by Chief Dombeck.

We need some sort of common sense restored versus this high handed rule making of the Clinton-Gore administration.

Sincerely,

RICHARD CONNOR, Jr.

FLORENCE COUNTY FORESTRY AND PARKS, NATURAL RESOURCES CENTER,
Florence, WI, November 30, 2000.

To: Representative Mark Green.

From: David S. Majewski, Administrator, Florence County Forestry & Parks, Florence, Wisconsin.

Subject: Federal Roadless Initiative.

As I understand there is a need to comment on the proposed ''Roadless Initiative'' and send the comments to your office.

The present Administration is trying to ram through an effort on behalf of the ''preservationists'' that will affect many people and communities. Most of the people in this group live far away from the lands that are proposed in this effort and it does not impact their day to day lives or affect their livelihood.

This proposal is a smokescreen, to create more wilderness in the very near future. It is an attempt to stop timber management in these areas. It will affect the economy of many communities surrounding these National Forests. It will also cause many serious problems for forest protection, which include control of insects, disease, and fire.

The proposal is not good for the health of the forests, the economy of the areas, or the many recreational opportunities that are presently available when the forests are managed for multiple use. It is also not good stewardship of the land.

The Public Forests in the Lake States have been managed very conservatively since the early 1900's, the ''Early Logging Era''. Keeping healthy diverse aged forests is better for our environment than over-aged unhealthy forests. The Forests are used by a wide variety of recreation users and the current management provides for a sustained economy for these rural communities and the Nation. The current multiple use management also provides for healthy forests and very good habitat for a wide variety of wildlife. Many of the present wildlife species could not exist without it.

This initiative will: restrict if not eliminate timber management, cause deterioration of health forests, constrict all recreational opportunities, and inhibit habitat for the majority of the present wildlife. This initiative will not preserve these Forests for future generations but will cause more environmental damage when insects, diseases, and fires rage through these areas.

Thank you, for the opportunity to provide these comments.

Sincerely,

DAVID S. MAJEWSKI.

GOODMAN FOREST INDUSTRIES, LTD.,
Long Lake, WI, December 1, 2000.

Re Florence County Roadless Area

I attended a meeting today of the MI–WI Timber Producers Association and found that the 18,000 acre ''Roadless'' area in Florence County has been heavily logged in recent years and is well roaded.

Who is the Forest Service trying to fool on this? We in the industry believe in ''multiple use'' of our forest lands, however we can not tolerate any more ''lockout'' set asides to occur. Stumpage prices are already skyrocketing because of the fact the Forest Service is not even offering 50% of its operating plan on the Nicolet National Forest.

Please let me know if you think Congress can intervene. If not, then industry will have no choice but to take the U.S. Forest Service to court to stop this ridiculous set asides formation.

Sincerely,

RICHARD KRAWZE.

SHAWANO, WI, *November 29, 2000.*

DEAR REPRESENTATIVE MARK GREEN: I have been reading, with growing concern, about the Administration's efforts to restrict the use of our public lands and waterways. While I applaud the government's desire to ensure that our natural resources are there for future generations to enjoy, unilaterally cutting off access to these lands is misguided, wrong and in some cases, dangerous.

For example, if the goal of the Forest Service Roadless Initiative is to preserve these lands for our children and grandchildren to enjoy by not building roads and trails into these areas, how can they be expected to enjoy them when they cannot get to them?

By definition, the lands and adjacent waterways maintained by the federal land management agencies are public lands. They are maintained with funds provided by tax dollars as well as entrance and user fees. Yet, the public, as well as Congress, governors, local land managers and fire and rescue personnel, were not involved in the creation of these policies. Much of the Forest Service land has been statutorily designated as multiple-use land. By cutting off access to large portions of the land in its care, the Forest Service is defying a decades old congressional mandate.

Further, this type of thinking, returning our natural areas to what is being described as a pre-European state is very dangerous. As you know, much of our forest land in the western United States is burning out of control (in part as a result of other poorly designed policies). Without roads and firebreaks, the already difficult jobs of firefighters and other rescue personnel would be made even more difficult, if not impossible.

I do not believe that all public lands should be available for all uses. We all share a responsibility to treat our natural areas carefully and safely. However, if we all work together we can create a policy regarding our public lands and waterways that is fair, reasonable and physically and environmentally safe.

Please help us achieve this balance for this generation and those to come.

Sincerely.

KEVIN KING.

TRIBUTE IN MEMORY OF FORMER CONGRESSMAN HENRY B. GONZALEZ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, on Saturday, I paid my last respects to a man that I knew since the age of 12, a man that I respected and admired immensely, Henry B. Gonzalez. I have called this special order so that we may honor Henry B., a friend and a former colleague.

I would like to express my condolences to his wife, Senora Gonzalez; my good friend and colleague, the gentleman from Texas (Mr. CHARLES GONZALEZ); and the entire Gonzalez family. My heart and prayers are with them in this time of sorrow.

Henry B. was one of the hardest working men I have ever known. My father often referred to him as ''El

Compadre,'' the godfather. He was a true friend to all San Antonions and all Texans and throughout the country. From my father's radio I grew up listening to the words of Henry B. My dad's Compadre was famous for his blazing honesty, strong convictions, compelling oratory, and undying dedication to public service.

Long hours working at a Southside San Antonio gas station as a young man gave me the opportunity to meet dozens of people every day when I used to fill gas tanks. When I worked at the gas station and people came by, I checked their oil and washed their windows. I still vividly recall the day almost 40 years ago when I was working there at that gas station on Pleasanton Road and a special customer drove up and asked me to fill up his tank. When I realized that it was Henry B. Gonzalez who had parked next to me, I was filled with pride and excitement.

Even at that age, as a teenager, I knew Henry B. and the legacy that he was hard at work establishing. Congressman Gonzalez was a role model to all of us, a strong man with a strong work ethic fighting for all of us. But at the time, for me, he was one who needed gas; and I took pride in being able to fill up his gas tank at that age.

As the Nation pays tribute to Henry B. and the hard-fought battles he championed, Alamo City mourns the profound loss of one of the most well-known figures in Texas public office. He served proudly in the United States House of Representatives, but long before his famous days in Washington, our Compadre served as a civilian cable and radio censor for military and naval intelligence, as a Bexar County probation officer, the deputy director of the San Antonio housing authority, and as a city councilman in San Antonio and the Texas State Senate fighting for our communities.

Henry B. spoke for those who had no voice of their own. Then State Senator Gonzalez is also known for his famous filibuster. To this day, as a State Senator in Texas, he still holds the record for the longest filibuster. And his filibuster helped kill several bills, in fact almost 20 or 30 bills, that were still pending in the Texas House that would have overridden and circumvented the Supreme Court decisions regarding segregation.

Congressman Gonzalez shepherded the construction of a medical school in San Antonio and veterans hospital in San Antonio, he brought the HemisFair exposition to the city, he passed measures protecting San Antonio's vital drinking water supply, supported area military installations, and worked to expose the 1980 savings and loan scandal.

As a partisan firebrand in the United States Congress and chairman of the House Committee on Banking, Henry B. was tireless at his work. As chairman, he helped to usher over 71 bills through the legislative process. He was an advocate for making more credit available to small businesses, helping find safe places for people to put their savings, and reauthorizing the Federal housing loans and laws.

In 1997, from the floor of the United States House of Representatives, our Compadre introduced me to the country as I was sworn in to the Congress. As he introduced me to his colleagues of more than 30 years, I recalled with great pride his leadership throughout the years that he had espoused. I also thought back to that one day when some 40 years before that I had had a chance to meet him for the first time and marveled at how far our community and Nation had come because of this single man.

It is with deep sadness that we say good-bye to a true American hero. Henry B. dedicated his life to public service and we have all benefitted from his kindness and his wisdom.

Mr. Speaker, I will attach additional documentation on Mr. Gonzalez at this point for the RECORD.

HENRY B. GONZÁLEZ; UNITED STATES REPRESENTATIVE, DEMOCRAT OF TEXAS

Eighty–seventh–One Hundred Fourth Congresses, November 4, 1961–Present

A strong personality who has received national attention for his various crusades, Henry González was the first Hispanic Representative from Texas, and has served in Congress longer than any other Hispanic. He was born Enrique Barbosa González in San Antonio, Texas on May 3, 1916. His parents, Leonides González Cigarroa and Genoveva Barbosa Prince de González, fled to San Antonio from the state of Durango in northern Mexico during the Mexican Revolution in 1911. Leonides González had served as mayor of the town of Mapimi, Durango in Mexico. Henry González attended public schools and graduated from Jefferson High School in 1935. He continued his education at the University of Texas and San Antonio College. In 1943 he graduated from St. Mary's University School of Law. Shortly after the Japanese attack on Pearl Harbor, he was called to government service and worked as a civilian cable and radio censor for military and naval intelligence. After graduation he worked as assistant juvenile probation officer, quickly rising to chief probation officer of the Bexar County Juvenile Court. In 1947 he was hired by the Pan American Progressive Association as executive assistant. From 1947 to 1951 he helped his father ran a translation service in San Antonio.

In 1953, with the support of Mexican-Americans and Anglos, González was elected to the San Antonio City Council, serving as mayor pro-tempore for part of his first term. In the city council he spoke against segregation of public facilities, and the council passed desegregation ordinances. In 1956 he was elected to the State Senate; he was subsequently reelected and served until 1961. In 1957 González, along with Senator Abraham Kazen, attracted national attention for holding the longest filibuster in the history of the Texas Legislature, which lasted thirty-six hours. They succeeded in killing eight out of ten racial segregation bills that were aimed at circumventing the U.S. Supreme Court's decision in the Brown v. Board of Education case. Among his other achievements in the Senate were a slum clearance law and the passage of a bill for the creation of a medical school. In 1958 González unsuccessfully ran for Governor of Texas; although an unlikely candidate, he wanted to offer an alternative to the race between Governor Daniel and former governor W. Lee O'Daniel.

During the 1960 presidential campaign, John F. Kennedy requested González's help in organizing Viva Kennedy Clubs throughout the country. González and U.S. Senator Dennis Chávez of New Mexico served as national co-chairman.

González was elected to the U.S. House of Representatives in a special election to fill the vacancy caused by the resignation of Paul J. Kilday (D–TX), who had been appointed to the Court of Military Appeals. In 1961 he was elected with over half of the votes. Subsequently he has faced little challenge in reelection bids; he has generally won with at least eighty percent of the vote and a number of times he has run unopposed. Although he has supported and initiated legislation for the welfare of Hispanics, he has never run on a Hispanic platform.

As a Representative, González quickly got attention in 1963. He received substantial publicity when he voted against additional appropriations for the House Committee on Un-American Activities, because it received more money than other committees that produced more reports and legislation.

During his first term, González was assigned to the Committee on Banking and Currency, which in 1977 became the Banking, Finance, and Urban Affairs Committee, where he worked for the passage of a number of legislative proposals of the New Frontier and Great Society including the Housing Act of 1964. He worked on legislation that was eventually incorporated into the Equal Opportunities Act of 1964, and supported the Library Service Act of 1964, and the Civil Rights Act of 1964. In addition, Chairman Wright Patman (D–TX) appointed González as a special liaison representative on Latin-American affairs; González attended the Inter-American Development Bank Board of Directors conference in Panama in April 1964. During the 1960's he also campaigned to put and end to the bracero program, which allowed the use of foreign labor to harvest agricultural crops. He criticized the program for the deplorable conditions under which laborers worked.

In the 1970's González continued with his crusades. In 1977 he gained national attention as Chairman of the House Assassinations Committee that was established to investigate the murders of John F. Kennedy and Martin Luther King, Jr. Animosity developed between González and the attorney who headed the probe. González quit within weeks, due to the fact that in his opinion the investigation was doomed because powerful forces in organized crime were against it. He also urged an investigation of the murder of Judge John W. Wood in San Antonio. When the indictments were handed down, Federal prosecutors thanked González for his perseverance. As a member of the House Small Business Committee in the 94th Congress, González served as Chairman of the ad hoc subcommittee on the Robinson-Patman Act, Anti-trust Legislation, and Related Matters. He played a key role in salvaging the Robinson-Patman Act, which some consider to be the ''Magna Carta'' of small business. During the 1970's González opposed nuclear power and introduced legislation to phase out existing nuclear facilities, and continued his work in support of public housing.

In 1981 González became the Chairman of the Subcommittee on Housing and Community Development, where he worked on legislation to approve a program to assist families who faced foreclosure on their homes. Later he battled the Reagan administration when it proposed cuts in public housing programs.

With the leadership of González as Chairman of the Banking, Finance, and Urban Affairs Committee, the committee was able to enact many pieces of legislation, including flood insurance reform, major housing initiatives, increasing the accessibility to credit to small business, and strengthening anti-money laundering laws, bank fraud, and other financial crimes. In addition, through his efforts with legislation and through hearings, he succeeded in making the Federal Reserve more publicly accountable. During his ten year Chairmanship (1971–1981) of the Banking Committee's Subcommittee on International Development Institutions, and Finance, he sponsored an amendment to a number of international banking bills. The ''González amendment.'' as it was commonly known, protects U.S. citizens from expropriation by countries that receive loans from international development institutions to which the U.S. contributes.

During his tenure as Chairman of the Banking Committee, González had to deal with the collapse of the savings and loan industry, a crisis he had predicted throughout the 1980's. In 1991 he led a restructuring of the federal deposit insurance system. As Chairman he earned a reputation for being a fair leader who allowed equitable participation in the creation of bills.

González was once again in the national spotlight in 1992, when he requested an investigation of the Bush administration's involvement in loans to Iraq.

In addition to his legislative career González has served seven times as a House Delegate to the Mexico-United States Interparliamentary Conference, and has received numerous awards from universities, including honorary doctorates from St. Mary's University and from Our Lady of the Lake College.

HENRY B. GONZALEZ OF SAN ANTONIO—ELECTED 1961; 18TH FULL TERM

BIOGRAPHICAL INFORMATION

Born: May 3, 1916, San Antonio, Texas.

Education: San Antonio College, 1937; U. of Texas, Austin, 1937–39; St. Mary's U. of San Antonio, LL.B. 1943.

Occupation: Teacher; public relations consultant; translator.

Family: Wife, Bertha Cuellar; eight children.

Political Career: Candidate for Texas House, 1950; San Antonio City Council, 1953–57, mayor pro tem, 1955–57; Texas Senate, 1957–61; sought Democratic nomination for governor, 1958; sought Democratic nomination for U.S. Senate, 1961.

Capitol Office: 2413 Rayburn Bldg. 20515; 225–3236.

COMMITTEES

Banking & Financial Services (ranking).

In Washington: Gonzalez, more than most other senior Democrats who once ruled the roost in the House, went into a shell with the Republican takeover in 1995. The energetic (if eccentric) former chairman of the Banking and Finance Committee was absent or inactive at many important committee sessions in the 104th Congress. An intensely proud man, he showed little interest in waging losing battles in committee, unlike many other Democrats who put up fierce resistance to the newly empowered GOP majority.

Ironically, Gonzalez's most notable achievement of late involved him defeating Democrats, and Republicans. In November 1996, he fended off two Democrats who challenged him for the ranking spot on Banking for the 105th Congress.

But one of the factors that kept him in the ranking seat was his promise to party colleagues that he would give up the seat after two more years and serve in an emeritus capacity—if Gonzalez, now past 80, tries for a 19th full term in the House in 1998.

The House Democratic Caucus let Gonzalez have two final years as ranking member after he made an emotional plea to stay on. The mercurial Texan, who legendary independent streak has long ruffled the feathers of House leaders, demonstrated a vigor in the caucus session that noticeably has been lacking since the GOP takeover. He emerged with a plurality of the vote in a three-way race with John J. LaFalce of New York and Bruce F. Vento of Minnesota, second- and third-ranking Democrats on the committee. Gonzalez got 82 votes, LaFalce 62 and Vento 47. LaFalce conceded rather than continuing the fight into a runoff, sparing the party a clash that made many Democrats uncomfortable.

The effort to topple Gonzalez arose after his repeated absences from committee meetings in the 104th caused even longtime supporters such as Barney Frank of Massachusetts to recommend that Democratic leaders push out Gonzalez.

''I think we had a very good six years under Henry,'' said Frank, who had been Gonzalez's conduit to the House Democratic leadership but supported LaFalce's challenge. ''But the transition from chairman to ranking member was personally very tough for him.''

Gonzalez's supporters mounted an active campaign. Committee colleague Joseph P. Kennedy II of Massachusetts said that Banking Democrats had pulled together to repel GOP initiatives even though Gonzalez himself had slowed. ''What are we going to do, take away a ranking membership from a guy who is a folk hero among Democrats?'' Kennedy asked. ''This guy defines the Democratic Party's values.''

Gonzalez helped himself with a masterful speech in which he made the one-last-term pledge that earned him the benefit of some members' doubt. ''I say to you, I have served with honor and integrity and success. I have never failed myself and I have never failed you,'' Gonzalez told the caucus behind closed doors. ''And so I appeal to you: Do the right thing. Do the fair thing. I appeal to your sense of justice: One last term as ranking member, and I will not disappoint you.''

The caucus erupted in applause audible in the corridors of the Longworth House Office Building. ''There were probably some votes that he swayed even in that speech, which is unusual around here,'' admitted LaFalce supporter Floyd H. Flake of New York. Gonzalez received two standing ovations, and balloting started immediately after his speech ended.

Gonzalez's victory came despite LaFalce received the Democratic Steering Committee's endorsement by a 22–19 margin, and Vento campaigning vigorously. ''It's very difficult to express in words the profound sense of gratitude I feel at this moment,'' Gonzalez said after the vote. He said he did not harbor any ill feelings towards LaFalce or Vento, saying, ''It's all part of the process. It's better to be tested and tried and win than not to be tried at all.''

During a congressional career that has spanned nearly four decades and included three terms as chairman of the Banking Committee, Gonzalez has earned a reputation for iconoclasm that few can match. Republicans remember him for advocating impeachment of Presidents Ronald Reagan after the 1983 Grenada invasion and the 1987 Iran-contra scandal, and George Bush after the 1991 Persian Gulf War. But Gonzalez also has been an affliction to some in his own party. His bulldogging of savings and loan kingpin Charles Keating, Jr. played a part in ending the political careers of three Democratic senators with ties to Keating. And he gave no quarter when interrogating Democratic wise man Clark Clifford about his role in the world's biggest bank scandal, involving the Bank of Credit and Commerce International (BCCI).

Gonzalez's hands-off attitude toward Whitewater was rather out of character; in the past he had often shown himself to be an aggressive investigator. After the Gulf War, for instance, he waged a lonely crusade to expose what he saw as the U.S. government's wrongheaded pre-war attempts to curry favor with Iraq and help it strengthen its military—a policy he said had encouraged Iraqi leader Saddam Hussein to invade Kuwait.

But from the beginning, Gonzalez opposed using his Banking Committee to hold Whitewater hearings. He condemned Republican inquiries as a ''witch hunt'' and an ''array of half-truths, old rumors, half-baked conspiracy theories and out-right lies.'' Gonzalez finally gave in, but when the hearings took place in August 1994, he made prolific use of the gavel to enforce a five-minute limit for questioners and limit the scope of the inquiry.

Before he assumed the Banking chairmanship, his record as a legislator was dismissed as thin, even as he was revered in San Antonio for his unstinting defense of the underclass. But in the six years he chaired Banking, Gonzalez significantly rehabilitated his image in Washington. He helped repair one of the biggest financial debacles in the nation's history—the near-collapse of the savings and loan industry. He also helped avert a lesser crisis affecting banks by shepherding an overhaul of the deposit insurance system in 1991. He earns credit for being one of the House's most committed fighters for affordable housing, although victories on that front have been few in recent years. And in the 103rd—a Congress that failed to enact major legislation in several areas it pursued—Gonzalez's committee passed two significant measures: in interstate banking law and a community development law that married bank regulatory relief with several schemes to encourage lending in distressed communities.

Gonzalez has been a fighter since the beginning of his career, whether pressing solo causes or setting personal quarrels. He is a passionate populist, and a sincere if long-winded one. He also can be stubborn, short-tempered and prone to eruptions of anger. In 1963, he threatened to ''pistol whip'' and then struck a House Republican who claimed Gonzalez's ''left-wing voting record'' served the socialist-communist cause. In a San Antonio restaurant 23 years later, Gonzalez struck a man who had called him a communist; prosecutors later dropped misdemeanor charges.

At Home: Like many Texas Democratic incumbents, Gonzalez felt some impact from the big GOP year of 1994. While his Republican opponent, Balcones Heights City Council member Carl Bill Colyer, pulled in less

than 40 percent of the vote, he nevertheless held the incumbent to his lowest winning-margin since his first election in 1961.

The son of Mexican immigrants, Henry B. (as he is known both in Washington and in Texas) began climbing the local political ladder after World War II. He sought office while helping his father, the managing editor of a Spanish-language newspaper, run a translation service. Gonzalez made it to the state Senate in 1957 and quickly drew attention by filibustering against Democratic Gov. Price Daniel's bill to allow the state to close schools threatened by disturbances surrounding integration.

In 1958 Gonzalez ran as the liberal alternative to Daniel in the Democratic gubernational primary. He was beaten by a margin of more than 3-to-1, but the defeat only encouraged his ambition. Three years later, he sought the Senate seat vacated by Lyndon B. Johnson. While Gonzalez carried his home base, Bexar County, his statewide appeal as a candidate with a Hispanic name was limited. He ran sixth out of 73 candidates, gaining 9 percent of the vote.

But he soon had another chance. Later in 1961, Democrat Paul Kilday resigned from the House to accept a judgeship, and Gonzalez became the consensus Democratic candidate for the seat.

The special election was a clear liberal-conservative choice. Gonzalez was warmly endorsed by the Kennedy administration. John Goode, a former GOP county chairman, had the active assistance of Arizona Sen. Barry Goldwater and Texas' newly elected GOP senator, John Tower. With strong support in Hispanic areas, Gonzalez won with 55 percent. He became the first person of Mexican-American extraction to be elected to the House from Texas.

HOUSE ELECTIONS

	Total
1996 General:	
Henry B. Gonzalez (D)	88,190 (64%)
James D. Walker (R)	47,616 (34%)
Alejandro "Alex" DePena (LIBERT)	2,156 (2%)
1994 General:	
Henry B. Gonzalez (D)	60,114 (63%)
Carl Bill Colyer (R)	36,035 (37%)

Previous Winning Percentages: 1992 (100%); 1990 (100%); 1988 (71%); 1986 (100%); 1984 (100%); 1982 (92%); 1980 (82%); 1978 (100%); 1976 (100%); 1974 (100%); 1972 (97%); 1970 (100%); 1968 (82%); 1966 (87%); 1964 (65%); 1962 (100%); 1961, special election (55%).

CAMPAIGN FINANCE

	Receipts	Receipts from PACS	Expenditures
1996:			
Gonzalez (D)	$123,375	$46,600 (38%)	$86,231
Walker (R)	138,847	450 (0%)	138,735
1994: Gonzalez (D)	116,025	32,650 (28%)	55,382

DISTRICT VOTE FOR PRESIDENT

	Total
1996:	
D	82,892 (59%)
R	48,485 (35%)
I	7,285 (5%)
1992:	
D	81,373 (48%)
R	57,964 (34%)
I	28,970 (17%)

KEY VOTES

1997: Ban "partial birth" abortions	N
1996:	
Approve farm bill	Y

KEY VOTES—Continued

Deny public education to illegal immigrants	N
Repeal ban on certain assault-style weapons	N
Increase minimum wage	Y
Freeze defense spending	N
Approval welfare overhaul	N
1995:	
Approve balanced-budget constitutional amendment	N
Relax Clean Water Act regulations	N
Oppose limits on environmental regulations	Y
Reduce projected Medicare spending	N
Approve GOP budget with tax and spending cuts	N

VOTING STUDIES

Year	Presidential support		Party unity		Conservative coalition	
	S	O	S	O	S	O
1996	84	16	84	16	67	31
1995	82	14	82	11	48	44
1994	78	19	96	4	22	78
1993	90	10	95	5	34	66
1992	23	77	94	6	38	63
1991	32	67	93	7	16	84

INTEREST GROUP RATINGS

Year	ADA	AFL–CIO	CCUS	ACU
1996	80	n/a	38	15
1995	85	100	20	4
1994	75	100	25	15
1993	80	100	9	8
1992	80	92	38	4
1991	75	100	10	0

[From the San Antonio Express-News, Dec. 2, 2000]

POLITICAL LEADERS OFFER THEIR TRIBUTES

(By Gary Martin)

WASHINGTON.—A flag flew at half-staff Wednesday above the U.S. Capitol as former Rep. Henry B. Gonzalez's death was met with a national outpouring of sorrow and mourning.

President Clinton offered the country's condolences to the Gonzalez family.

"Henry will forever be remembered as a man of conviction and humility who devoted his life to lifting people up and building bridges of understanding." Clinton said in a statement released by the White House.

"Our thoughts and prayers go out to his wife, Bertha, his children, and his family and friends," Clinton said.

Gonzalez, 84, awoke feeling ill and was rushed to Baptist Medical Center in San Antonio, where he died Tuesday.

The feisty congressman was the first Mexican-American elected from Texas to serve in the House of Representatives. Now there are six from Texas, including three from San Antonio.

"Congressman Gonzalez was a trailblazer and a leader for all of Texas," Clinton said.

In addition to kicking down ethnic barriers, Gonzalez had a colorful career in the House that spanned 37 years.

It was sprinkled with acts of defiance—calling for the impeachment of two Republican presidents—and fisticuffs that led to national headlines when he punched a GOP congressman in 1963 and a restaurant patron at Earl Abel's diner in San Antonio 23 years later.

A maverick lawmaker who sometimes frustrated the leaders of his own party, Gonzalez wore his populist and liberal leanings on his sleeve, often dressed in seersucker or large-lapel suits that caused visitors and Gucci-dressed lobbyists on Capitol Hill to gawk.

"I do remember that. They were great suits," said a chuckling J.J. "Jake" Pickle, a former Democratic congressman from Austin and one of Gonzalez's closest friends.

"You could always spot Henry. But he wore, and said, what he thought. It offended some people. But Henry did it his way. And he was as fearless in his crusading, as he was right on most issues," Pickle said.

"He was one of the rarest political characters I have ever known. And he was champion for civil rights before we even knew what it was," said Pickle, who retired in 1994 after 30 years on Capitol Hill.

House Minority Leader Dick Gephardt said Gonzalez "always fought the good fight."

"Henry's passing leaves us all with a void that can't be filled," Gephardt said.

Despite a long legislative career, Gonzalez was most proud of legislation he shepherded through Congress to help the underprivileged gain a foothold to the American Dream.

"Millions of Americans will sleep tonight in homes made possible through Mr. Gonzalez's battles for affordable housing and community development," said Ralph Nader, the Green Party presidential candidate and consumer activist.

"Mr. Gonzalez's record will stand forever as a reminder of what legislators can accomplish when they have the courage and thought to follow their best instincts," Nader said.

His long list of fights and achievements on behalf of racial minorities, women and working families brought out a "Who's Who" of politicians paying respect.

"Henry B. Gonzalez was one of my heroes," former Texas Gov. Ann Richards said.

"He spoke out for people and the needs of the poor and working class long before it was easy to do. Henry B. was a catalyst for the advancement of the rights of Hispanics, people of color and women. Our gratitude is boundless," Richards said.

On Capitol Hill, where lawmakers were in adjournment until Monday, fax machines transmitted comments of praise and adulation for Gonzalez, who reluctantly left his Washington office because of illness in 1998.

Many colleagues were in the Capitol in 1997 when he left a session of Congress in an ambulance. A dental infection had traveled to Gonzalez's heart and damaged a valve. After a 14-month absence, he returned, only to announce his retirement.

His son, Charlie Gonzalez, was elected to succeed him.

Charlie Gonzalez said his father struggled with the illness and being away from Washington.

"It's been hard these last couple of years, being away from Congress," Gonzalez said moments after his father died.

A tireless advocate for San Antonio, Gonzalez was a New Deal Democrat who worked to bring pork barrel projects back to his congressional district, helping to establish Kelly AFB as one of the largest aircraft repair depots in the Air Force, and securing the 450-bed Brooke Army Medical Center.

Pickle said his biggest achievement was HemisFair 1968. Gonzalez funneled federal money into the project, prompting the city to name the nearby convention center after him.

"He put San Antonio on the map, through the HemisFair event," Pickle said.

Early in his congressional career, San Antonio loyalists would hold an annual dinner to honor Gonzalez, Pickle recalled, noting: "The program would last on and on and on.

"On two or three occasions I would just go to listen to him. About 10 p.m. and 11 p.m. they would get around to introducing Henry B."

Pickle said he was elated when Gonzalez, who was known for his lengthy speeches, announced at one event that he wouldn't make a speech.

Instead, the congressman planned to introduce his extended family, which would ''fill up a phone book.''

Pickle sneaked off.

''By the time I got back to Austin, he was still introducing his last cousin,'' he said.

''We were good friends,'' Pickle said. ''I accepted his odd characteristics, as I know he accepted mine.''

[From the San Antonio Express-News, Dec. 2, 2000]

PRAYER, PRAISE AT FUNERAL

(By Carmina Danini and Sherry Sylvester)

The rich, the poor, the powerful, the disadvantaged, the young and old gathered at San Fernando Cathedral on Saturday to celebrate the life of a man they sent to Congress for 18 consecutive terms.

Henry B. Gonzalez was paid tribute by colleagues, friends and family in a funeral the size of which is rarely seen in San Antonio—and one marked by laughter and applause.

Aired live on television, the Mass was part political rally and part toast to the life of a remarkable man who was honored in pure San Antonio style with ''Amazing Grace'' sung in Spanish to mariachi music.

Nearby, about three dozen mourners watched the Mass on two large screens in the City Council chambers.

The 84-year-old Gonzalez, who retired from public life two years ago after an illness brought on by a dental infection, died Tuesday afternoon.

For two days last week, thousands of San Antonians paid their respects and shared stories of the man who transcended his West Side background and captured the public's affection with an uncanny ability to connect with people.

Despite chilly temperatures, throngs of people stood inside the cathedral, in Main Plaza and along the four-mile route of the procession to San Fernando Cemetery No. 2, where he was buried alongside his parents, Leonides and Genoveva Gonzalez.

The oldest cathedral sanctuary in the United States was the perfect setting for the Mass of such a historic figure—a man beloved by those cramming the old church to capacity.

Many of them knew him. Others, like Lina Bello, a City Hall secretary in Taxco, Mexico, were visiting but were caught up in the ceremony.

San Antonians loved Gonzalez, said former U.S. Congressman Kika de la Garza, the Democrat from Mission, because he had ''el don de gentes.''

The Spanish phrase means having the capability to win the good will of people.

Former Housing Secretary Henry Cisneros said Gonzalez was never a ''jefe politico'' or political boss.

''He didn't control a political machine,'' Cisneros told mourners, many of whom arrived at the cathedral three hours early to ensure they had a place to sit at the Mass.

''His political code was a bond directly between him and the people. The only words that I find to describe this man is that he was a tribune of the people,'' Cisneros said.

Considered sacred in ancient Rome, the tribunes could defend commoners against unfair acts by officials.

Other speakers, many of whom worked alongside Gonzalez on Capitol Hill, told of his unwavering work on behalf of the voiceless.

''He was the champion of the common man and an extraordinary figure in Texas politics,'' said U.S. Rep. Martin Frost, D-Dallas, dean of the Texas congressional delegation.

Gonzalez's congressional colleagues came from all over Texas and the nation to say goodbye to a man they called a warrior, a statesman, a pioneer, a hero and a national treasure.

They also called him funny, brilliant, a maverick and a coalition builder who lived his life with gusto.

But the long line of elected officials who spoke also described their longtime colleague as a warm and loyal friend.

Bill Richardson, secretary of the U.S. Department of Energy, told people that Gonzalez loved Congress and the people of San Antonio.

''But he was not just yours,'' Richardson said. ''He belonged to everybody. He was national, but he was local.''

Richardson, who represented President Clinton at the Gonzalez funeral, knelt before Gonzalez's coffin before he spoke, calling Henry B. ''a champion of the downtrodden.''

U.S. Rep. Patrick Kennedy, D-Rhode Island, predicted that Gonzalez's legacy will never die because he had pursued the path of what was right instead of what was easy.

''Like FDR, Henry B. was loved for the enemies he made,'' Kennedy said.

''He had the privilege of being a thorn in the side of great privilege.''

Cisneros called Gonzalez the single most important person in San Antonio's history and one of the great leaders of the 20th century.

''Hearts were touched and dreams were forged by what Henry B. Gonzalez inspired,'' Cisneros said. ''We have lost a great one.''

Frost, who served with Henry B. for a longer time than any other Texas congressman, called Gonzalez ''an extraordinary figure in Texas history.''

Frost said that during his time in Congress, Gonzalez always took the stand he believed was right.

Frost said that unlike many politicians, Gonzalez never cast a token vote for the other side in an effort to avoid looking ''too liberal.''

''He never threw a vote, he never trimmed his sails,'' Frost said.

Gonzalez's congressional colleagues credited him for creating housing laws, financial regulations that opened the way to home ownership and financial security for poor people.

U.S. Sen. Jack Reed, D-Rhode Island, told the mourners at San Fernando Cathedral that he had flown to San Antonio on Saturday because Henry B. had played a key role in rescuing his state of Rhode Island from a severe financial crisis.

''He brought hope to a state whose motto is hope,'' Reed said. ''We could not have done it without Henry B.''

Former Congressman Bob Krueger said that Gonzalez was able to follow his conscience in Congress and speak from his heart because he knew he had the support of the people of San Antonio.

Former Texas Attorney General Jim Mattox said he was a little ill at ease seeing so many political dignitaries at Gonzalez's funeral.

''I have a feeling that Henry B., would open the doors and make sure all the common folks could get in here,'' Mattox said.

U.S. Rep. Sheila Jackson Lee, D-Houston, thanked the Gonzalez family for allowing the high Mass to become a ''state funeral,'' and Texas state Sen. Gonzalo Barrientos noted that he was in segregated schools when Henry B. first went to Congress. He thanked Gonzalez for making his career possible.

U.S. Rep. Lamar Smith, R-San Antonio, told the crowd about joking with Gonzalez about a young Republican in Congress who learned how to vote by watching Gonzalez and always voting the other way.

State Sen. Leticia Van de Putte, U.S. Rep. Maxine Waters, D-California, U.S. Rep. Ciro Rodriguez, D-San Antonio, former U.S. Rep. Bill Patman, U.S. Rep. Ken Bentsen, U.S. Rep. Henry Bonilla, R-San Antonio, and de la Garza also spoke eloquently about their comrade.

''Texas is a better place today because Henry B. Gonzalez spent 84 years on the face of this earth,'' Frost said.

Both Richardson and Jackson Lee told of the time, close to his retirement, when several young Democrats believed Henry B. should be replaced as chairman of the House Banking Committee.

''We needed 211 Democratic votes,'' Richardson said, ''I was a little worried.''

But Richardson said that Henry B. would not allow him to do any campaigning to keep him in the job.

When it came time for the Democratic Caucus to vote, Henry B. spoke last.

''I've never failed myself, and I've never failed you,'' Gonzalez said.

Richardson said he won the vote by a 3-to-1 margin.

''It wasn't even close.''

A sorrowful Charlie Gonzalez paid the final tribute to his father with stories, jokes and poetry. Gonzalez said that he had no questions about whether or not his father was in heaven, saying he believed his father was probably talking politics with St. Peter.

''In heaven all the political yard signs will say 'Keep Henry B. in D.C.' and 'All the Way with LBJ' and, of course, 'Viva Kennedy.' ''

Gonzalez said he wanted to thank everyone who had ever voted for his father. ''You are the people who made his life possible,'' he said.

Gonzalez said that he and his family had been comforted in recent days by the knowledge that his father had left so much more to the world than he had taken.

The congressman shared some of the many stories he said he has heard since his father's passing from people who said Henry B. had touched their lives.

The younger Gonzalez said he had been visited by two brothers who had met Henry B. when he was their juvenile probation officer.

''He straightened us out,'' Gonzalez reported one brother saying. ''He got me out of reform school and sent my brother there.''

Gonzalez also read the William Wordsworth poem, ''The Character of the Happy Warrior'' as his elegy.

''He opened eyes, he opened hearts and that shall be my father's legacy,'' Gonzalez said.

Sitting on a back pew, Maria Palencia spoke proudly about the photos she had of Gonzalez holding her then-3-month-old granddaughter, Adelita Becerra.

''He went to Ruiz Elementary School, where my daughter was a teacher,'' Palencia said. ''She had taken the baby to school that day.''

The granddaughter is now 26 years old.

Outside the cathedral, people stood three deep as the pealing of bells competed with music by the Mariachis Campanas de America.

A few waved as the casket was placed inside the hearse. An elderly man who began weeping uncontrollably was led away by his daughter.

''We'll never have anyone like him ever again,'' the man said.

Mr. RODRIGUEZ. Mr. Speaker, I yield the balance of my time to the

gentleman from Texas (Mr. FROST), our dean and chairman.

The SPEAKER pro tempore. Pursuant to the designation of the minority leader, the balance of the time is reallocated to the gentleman from Texas (Mr. FROST), and the gentleman from Texas may proceed.

Mr. FROST. Mr. Speaker, I rise today in honor of my friend and colleague, the late Henry B. Gonzalez. I remember the day in January of 1979 that, as a new freshman Congressman from Dallas, I walked across the floor of the House and first introduced myself to Henry B. Gonzalez. I, of course, knew who he was and what he had stood for; but I am not sure he knew anything about me.

I mentioned to Congressman Gonzalez that my father was from San Antonio, that I had a lot of family in his district; and I said something about my 88-year-old grandmother, Pearl Frost, living in San Antonio. His eyes brightened, and he replied that of course he knew my grandmother. Well, after all, he knew everybody in San Antonio. From that moment on, Henry B. took a special interest in my career. He was very kind and very helpful as I started learning how to be a Congressman.

For 20 years, I had the chance to observe Henry B. up close. Several things struck me during that time. First, he was always true to his core beliefs. He never varied from his support for the downtrodden and in his support for equal justice for all people, regardless of race, color, or creed. Some Members of Congress will follow a zigzag path in their voting pattern from time to time, casting a conservative vote here and there so that opponents cannot call them a liberal in the next election. Henry B. never worried about that kind of thing. He was always on the side of the people, no matter what the issue. He did not try to trim his sails. He was who he was.

Second, Henry B. was well read, smart and very able. When he first became chairman of the House Committee on Banking, some Members questioned whether he had the temperament to chair a major committee. Some good-naturedly commented to him about how he had changed his wardrobe now that he chaired the Committee on Banking. He no longer wore brightly colored suits all the time, but could often be seen in dark pinstripes. They told him that he was even dressing like a banker.

The concerns about Henry B.'s ability to handle the Committee on Banking quickly disappeared. He was a steady chairman, fair to all sides, and he guided the committee through some very tough legislative balances. Early on, he correctly predicted problems faced by deregulating Texas savings and loans and, as chairman, crafted a fair, tough plan to correct these problems.

Finally, no one could ever say that he benefitted financially from his position, or that he was in any way influenced by special interest contributions. He simply did not need the contributions and probably would not have taken them even if he ever did have a campaign, which he usually did not. Most of us spent hours putting together our annual financial disclosure statements we had to file with the House. Henry B. filed the same statement every year. He had his congressional salary, and that was it.

During his final years as a Member of Congress, age finally had started to slow him down. He was challenged in the Democratic caucus in 1996 by two younger Members who wanted his position as ranking Democratic Member on the Committee on Banking. Henry B. rose in a hushed meeting of the caucus to ask his colleagues for one more term as the ranking member. He eloquently recounted his career, how he had fought for the people his entire life and what he had done as chairman of the committee. It was no contest. The caucus rallied behind this champion of the common man and the challenge disappeared.

As Molly Ivins said in a recent column, ''Henry B. was not a saint, but he was a fighter. He was the genuine article, the real thing. He was an extraordinary figure in Texas political history who advanced the cause of Hispanics and all minorities in our State. Texas is a better place today because Henry B. Gonzalez spent 84 years on the face of the Earth. He will be remembered long after most of his contemporaries have been forgotten. And that's the way it should be. We love you, Henry, and we are better because you walked our way.''

Mr. Speaker, I yield to the gentleman from Texas (Mr. BENTSEN), who served on the Committee on Banking and Financial Services with Mr. Gonzalez.

Mr. BENTSEN. Mr. Speaker, I thank my colleague from Texas for yielding to me, and let me say that the people of San Antonio, the people of Bexar County, Texas, and the people of Texas and the United States suffered a great loss with the passing of our former colleague, Henry B. Gonzalez, last week.

□ 1145

There is no question that Henry B. Gonzalez, in his service on the San Antonio City Council, in the Texas State Senate, and as a Member of this body, including the pinnacle of being the Chair of the House Committee on Banking, Housing and Urban Affairs did more for the people he represented than probably most Members who have served in this body. But more than that, Henry was a trail blazer for the Hispanic population of Texas and the United States, and he was a trail blazer and a leader for American consumers as well.

There is not a piece of legislation dealing with consumer rights, financial issues, or housing issues that was not greatly influenced or does not bear the mark of Henry B. Gonzalez that occurred over the last 30 years.

Henry B. Gonzalez was the father of the Community Reinvestment Act. He was the father of much of the financial services reform that occurred in the 1980s and 1990s. And he clearly was the father of the various laws dealing with public housing and housing assistance that were adopted by this body in the 1970s, 1980s, and 1990s.

Henry B. Gonzalez was always true to his word. He always rose to the occasion and conquered whatever task was put before him. As my colleague from Ft. Worth has mentioned, there were some who questioned whether or not he would be able to rise to the occasion as Chair of the House Committee on Banking, and there were some who questioned whether or not he would be able to go beyond issues related to consumer rights and community reinvestment and housing issues to deal with the tough, intricate issues of financial regulation, particularly in the midst of the savings and loan crisis of the 1980s. And yet Henry B. Gonzalez was the person who was able to show the leadership, to drive a force through the middle to pass the FIRREA and FIDICIA legislation and pass other legislation which brought this country out of its worst banking crisis since the Great Depression.

So, Mr. Speaker, I do not think there is any question that Henry B. Gonzalez did what he was asked and served with great distinction for the people of the 20th District of Texas and the United States.

I would just close by saying this: I had the honor of serving with Henry B. Gonzalez in two ways, one as a Member and also as staff; and I can remember, while in graduate school as a young staffer on the Hill long before the Conservative Opportunity Society and Members really knew what Special Orders were about, it was Henry B. Gonzalez who came to the floor every day and closed the House and would speak extemporaneously for 60 minutes about whatever issue he happened to be interested in, drawing back on his extensive knowledge of history and captivating the audience that was there, the new C-SPAN audience that was out there.

Later, as a member of the House Committee on Banking, when Henry was the most senior member, with all due respect to the chairman, but still the most senior member on the committee, and I the most junior member on the committee, he brought me along. And I will never forget, as the chairman of the committee knows this well, Henry B. Gonzalez, who built his career, who has the longest record for a filibuster in the Texas State Senate, fighting the so-called States' rights

issues and the Jim Crow laws, that at the end of his career, it was Henry B. Gonzalez and I who were fighting for States' rights and the rights of Texas to determine its home equity laws.

We were not successful that day in the House Committee on Banking, as the chairman will remember. But, in the end, Henry prevailed and the issue went back to the State of Texas.

It was a great honor and privilege to serve with Henry B. Gonzalez. He will long be remembered not just in the 20th District and not just in Texas, but throughout the United States, for the work that he did for the American people. We are a better place for his service.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Iowa (Mr. LEACH), the current chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding. I particularly thank the gentleman for holding this Special Order in honor of his great Texas friend. In my time in the United States Congress, I have served with no more honorable a man.

Henry was an old-fashioned liberal, and he never had a conflict of interest. He did not just simply advocate, he lived campaign reform. His only special interest was his constituents. He never let them down. Nor did they ever countenance an alternative. Honesty has its rewards.

I might say that, while a bit more conservative and bent, I believe his values are very much reflected in his son, with whom we are also very honored to serve.

As colleagues on the Committee on Banking, Henry and I held differing positions on a number of issues, particularly matters involving the Federal Reserve. But Henry Gonzalez always had an element of justice, an element of good judgment on the side as, for example, when he sought to bring more transparency to certain operations of the Federal Reserve. He also led Congress in efforts to uncover money laundering in all parts of the country, particularly in his own region, the San Antonio Federal Reserve District.

It is sometimes said that the true riches in one's life can be measured by the lives that one has touched and changed for the better. Throughout his history in public service, Henry Gonzalez has served as a model for millions of Americans. And throughout his career, he steadfastly stood for those less advantaged. He has literally represented and improved the lives of hundreds of thousands of Americans.

For his honorableness, his commitment to basic values, for his remembrance of his roots, we in this House are deeply honored to have served with this man and we honor his memory.

Mr. FROST. Mr. Speaker, at this time it is my intention to yield to the gentleman from Maryland (Mr. HOYER), the co-chair of our Steering Committee. And then it is my intention to yield to members of the Texas delegation. And then to the extent that we have other Members who want to speak, I will be yielding to them. But I want to give our colleagues from Texas the opportunity to speak.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I have 3 minutes. We have an hour Special Order. Each one of us that stands could spend an hour talking about our friend, Henry Gonzalez.

This is the people's House. We are proud of that. No person in history better represented an advocate for the people than Henry B. Gonzalez of Texas.

In a land of plenty, Mr. Speaker, and in a time of unprecedented economic prosperity across our Nation, many Americans, with no malicious intent in their hearts, may overlook the plight of the poor, the downtrodden, the vulnerable. That, however, could never ever be said of Henry B. Gonzalez of Texas, who passed away at the age of 84 just a few days ago.

Throughout his entire life in public service, including his 37 years in this Chamber, where he represented his beloved community of San Antonio, he was a battler for those who were struggling in our society. He was a champion of the underdog and for social justice throughout his 37-year career in this body and previously in local and State government. He was a man of integrity, compassion, commitment, courage, unquestioned honesty.

Born in 1916 to recent immigrants from Mexico, he knew firsthand discrimination and poverty. He entered public office after once resigning a position as a probation officer in juvenile court because he was prohibited from hiring an African American.

Henry's fight for social justice continued when he was elected to the San Antonio Council. He won approval for a measure there to desegregate city facilities long before it was the popular issue of the day.

In 1957, he became the first person of Mexican-American heritage elected to the Texas Senate. His legacy in that body, as has been referenced, certainly is focused on a 22-hour filibuster that he conducted to ensure the defeat of measures protecting school segregation. Henry could never, and would never, countenance rank injustice such as that.

Henry B. Gonzalez was not always successful in the short term, but his cry for justice in the long term was usually successful. Henry's indefatigable quest for social justice and equality continued, Mr. Speaker, when he was elected to the House in 1961.

Over the years, he rose to become the chairman of the Committee on Banking, as we have heard. In that regard, he fought for the little people, the people who did not have the lobbyists in Washington or the great money to advocate their position. And during his tenure on that committee, he was instrumental in helping to pass key housing legislation, repairing the Federal Deposit Insurance Corporation and cleaning up the savings and loan scandals of the 1980s.

While Henry was undoubtedly proud of his ethnic heritage, he always insisted that it did not determine his politics.

''I am a Democrat without prefix, suffix or apology or any other kind of modification,'' he once said.

Yes, Mr. Speaker, in this, the people's House, the people had no more articulate, no more committed, nor more courageous advocate than our friend Henry B. Gonzalez.

When I first came to this House in 1981, I was privileged to serve on the Committee on Banking. I was privileged to know him as a leader, as a role model, as a friend. America and its principles and Constitution had a great advocate in Henry B. Gonzalez. America, Texas, San Antonio, CHARLIE our colleague and his son, his other brothers and sisters, his wife, his family will miss him most. But, CHARLIE, know well that we miss him as well. We loved him when he served with us, and we love him now.

Robert Kennedy once said that:

> Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

Henry Gonzalez did much more than send forth a few tiny ripples of hope. His life's work and his legacy were a strong, powerful wave that gives all of us the energy and commitment to keep up the good fight, and keep the faith.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, to see the future we must stand on the shoulders of a giant. At this moment, I would like to offer my condolences to the Gonzalez family and to my good friend, the gentleman from Texas (Mr. GONZALEZ), for the loss of his father, a great American.

For me and many of us sitting in the House of Representatives today, Henry B. Gonzalez was a giant of a man. He was the key that opened up many doors that in the past had been closed to many of us.

People often speak of pioneers or of giants or of visionaries. Sometimes we use those words loosely. But there is literally no better example of those words than Henry B., as he will forever be remembered by those of us who loved him.

Henry B. was a pioneer for Texas and for Hispanic Americans throughout the

United States. He got a law degree in the days of segregation because he loved the law and he knew that fundamentally the law would eventually come to protect all Americans. He entered politics and was successful in municipal, State, and Federal elections even in the days of the elite primaries, legal segregation, and the poll tax.

It was no coincidence that the day Henry B. was sworn in as a Member of this body he clutched in his left hand the bill that he would drop that day to abolish the poll tax.

I remember, when I was a young constable back in the 1960s, I was running for county commissioner and I knew that there was a political rally in San Antonio. I drove all the way from Corpus Christi to see if I could talk to Henry B. I had never met Henry B. before. I waited until he was about ready to exit the stage of this theater and I introduced myself. I said, ''Mr. Congressman, I am SOLOMON ORTIZ. I am a constable from a small town, and I am running for county commissioner. I would like to see if you would be kind enough to give me an endorsement.''

Right on the steps as he walked down the stage in this theater, he said, sit down. And he sat right on the steps. He made one 30-second spot and a 60-second spot. I won that election as county commissioner. And then on my reelection, again an old friend by the name of Domingo Pena and Bob Cuellar, who operated the theater, we went to see Henry B. to see if he could come to my district for an event. He and his lovely wife, CHARLIE's mother Bertha, joined me. And we were very successful.

□ 1200

We lost a man that was loved by many, many people. No matter how much he may have disagreed with those who served with him, he always treated each person with whom he worked with great respect. We have lost a great American.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, every day when this House goes into session, we put our hands over our heart and finish the pledge to our American flag with the words ''with liberty and justice for all.'' All too often we then go back to our busy daily schedules of phone calls and meetings. But to Henry B. Gonzalez, those words ''with liberty and justice for all'' were not just a phrase to be spoken on the floor of this House the beginning of each day. They were not just a nice phrase to be put in high school civics textbooks. Those words were a passion of a lifetime. ''With liberty and justice for all.'' He believed it. He fought for it. And he sacrificed for that high principle. Because of that, America is a better place today.

Henry B. Gonzalez personified to me what is good about America. What is good about America is not that we are a perfect land but that we are forever in the struggle to try to come closer to reaching the high ideals of our Constitution and Bill of Rights. Henry B. Gonzalez took the principles of that Constitution and the Bill of Rights and fought year in and year out to see that they were not just words on a piece of parchment, but they were a reality for all of God's children living here in America, people of all races and all colors and creeds and religions.

There is a saying that I will never forget that was given to me by a young Hispanic girl several years ago that I met. She was a 9-year-old girl fighting for her life against cancer. She gave me a little card that I will never forget, and I think it is appropriate to repeat the words of that little girl's card today, because to me they reflect the meaning of Henry B. Gonzalez's life.

This is how that card went—(The gentleman from Texas spoke in Spanish—''Cuando morimos, dejamos todo lo que tenerras y nas llevarnos todo lo que dimos''), when we leave this world, we leave behind all that we have but we carry with us all that we have given.

To me, Henry B. Gonzalez had a great deal to carry with him when he left this world, a person who never forgot the least of these amongst us. He made a difference for all Americans. He made America a better place for us and for our children. For that as well as his decency and his dignity, we will never forget our friend and colleague Henry B. Gonzalez.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) the dean of our delegation, for organizing this special order for our colleague, Henry B. Gonzalez. The United States lost a patriot; Texas lost a son; and I lost a mentor and a hero. Until today, I did not realize that he was a mentor for other people. When the gentleman from Texas (Mr. ORTIZ) told the story of Henry B. sitting down with him and working with him, I felt the same way more recently in 1993 and 1994.

Texas has had many colorful and distinguished leaders. Some have reached the level of legend. In Henry B.'s work not only in Congress but in the Texas Senate and in Bexar County and San Antonio, his dedication to his constituents has placed him in that top category of a Texas legend. Myself and my family express our deep regret to the Gonzalez family in their loss and our loss as a Nation.

I think a lot of us really need to talk about how Henry B. affected us individually. I had the same situation in 1993 and in early 1994. I was elected in 1992. I have some constituents in my district who actually were a part of the Henry B. Gonzalez campaign effort in the late 1950s. There are now still precinct judges, in Harris County, A.B. Olmos; and a number of people said, when you get to Washington as they supported me in 1992, you need to look up our friend Henry B. and follow Henry B.

When I was elected and I sat down with Henry B. Gonzalez, and I almost see him sitting here in this chair because he always sat just to the right of where I am standing, I sat down and introduced myself because as serving 20 years in the Texas legislature, Henry B. did not come to Austin very often. I remember meeting him a couple of times. But I sat down with him and introduced myself and said, ''I'd like to work you. I'm not going to serve on the Banking Committee, but obviously I have some very close friends in Houston who are your longtime supporters.'' I would do that every few weeks and talk with him and see what was going on as a freshman Member.

I had an opponent announce in December of 1993. Henry B. in January and February of 1994 said, ''By the way, I want to help you in your reelection. I'll do a radio tape or video or whatever.'' We never could set up the video and I always wanted him to come to Houston but he always passed on through and went back to San Antonio every weekend. Henry B. did that out of the graciousness of his heart, because he said, and I will remember these words, ''I like the way you handle yourself here on the House floor.'' That was like somebody who you respected as a hero putting their hand on your shoulder and giving you such a great compliment. Henry B. did that. His filibuster in the Texas Senate in the late 1950s against the segregationist bills again makes him part of legend. He is only one of two Members of Congress whose pictures hang in the Texas Senate. The other Member is the late Barbara Jordan whose picture, along with Henry B.'s, also hangs in the Chamber of the Texas Senate.

Henry B.'s accomplishments and contributions are legendary. I think it is appropriate that we remember him and his leadership. Again as a Member from Houston-Harris County, we would not have the benefits we have with our homeless funding without Henry B. being chairman in 1993 and 1994 and helping us to this day receive recognition for our effort in our homeless funding.

Mr. Speaker, last week, I was saddened to hear of the passing of Congressman Henry B. Gonzalez. The United States lost a patriot, Texas lost a son, and I lost a mentor and hero. Texas has had many colorful and distinguished leaders. Some have reached the level of legend. Henry B. Gonzalez's work in Congress and his dedication to his constituents place him at the top of this category. Myself and my family express our regret to the Gonzalez family on their loss.

Congressman Gonzalez's distinguished 38-year congressional career demonstrated his

deep commitment to public service and those in our society who had no one fighting on their behalf. Prior to his election to the U.S. House of Representatives in 1961, Henry B. Gonzalez served as a member of the San Antonio City Council, and as the city's mayor pro tem.

He was subsequently elected to the Texas State Senate where he will always be remembered as a champion of the common people. He was revered for leading a 36-hour filibuster against legislation which sought to uphold and facilitate the principles of segregation. Henry B. Gonzalez held the floor for 22 hours and two minutes, finishing shoeless and exhausted, but victorious.

He made such an impression on the Texas State Senate that his portrait hangs in the chamber in Austin. Only one other Member of Congress has ever had their portrait hung in the chamber, the late Barbara Jordan.

Henry B. Gonzalez's greatest accomplishments in the U.S. Congress were in the area of affordable housing. He insisted on protecting the rights of low-income citizens, even though it was not popular. As chairman of the House Banking Committee, he led efforts to repair the savings and loans industry and helped stop the crisis from spreading to banks by overhauling the deposit insurance system.

Throughout this service in Congress, Henry B. Gonzalez made it his mission to force the chief executive to justify any military action. In 1983, Congressman Gonzalez was the only Member calling for the withdraw of U.S. troops from Lebanon. He introduced a resolution to this affect and continue to speak out on this issue. Three days after his last statement on the subject, the Beirut bombing occurred.

Democratic Members of the House are also well aware of Henry B.'s efforts on behalf of the Democratic Party. He was an articulate spokesman in Presidential politics since 1960, when he served as the national co-chairman of the "Viva Kennedy" campaign.

I would like to extend my condolences to his family, especially to my colleague and friend Congressman CHARLIE GONZALEZ. I am proud to have known Henry B. Gonzalez, and I consider my self fortunate to have served with him and to have called him my friend. Henry B. is a true Texas legend and a great American.

Mr. FROST. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me rise and thank the gentleman from Texas (Mr. FROST) for providing for this hour.

As long as I can remember attempting to be a good citizen, from the days of not being quite old enough to vote, I remember the name of Henry B. Gonzalez. Henry B. Gonzalez came along in Texas before he was considered a minority. He attended the University of Texas before the university integrated or desegregated. And even during those times, he was committed to equality for all. He often had long statements concerning the poor, the disenfranchised being seen as equal partners. At the same time, he did not ignore his committed thinking and planning for those who were even more powerful as long as they were right and as long as he felt it was right. He truly believed, as we have heard, in liberty and justice for all.

He was a family man, a community man, a man who gave personal attention to his constituents. He sat on sidewalks with a card table and visited with people and opened his office door and made all welcome. I identify him as the single person on this floor that educated Members and the public on the banking industry. When all banks were failing and the S&Ls were going under, he frequently talked about rescuing them with public dollars and with the same dollars from people that never got service from them which led to CRA. Although some may have disagreed with him, all respected him no matter what party.

He will always be a hero of mine, a hero of the people, a hero of the common man, because he never left out those persons who were least able to speak for themselves. And so Henry B. Gonzalez made his mark not only in Texas but in this Nation, standing tall long before it was even thought about that Mexican Americans or the Hispanic population in this country as it has grown has now been considered a minority, but he did that. Speaking for all minorities prior to that time speaks to how committed he was to what was right and speaks to the issue of all being equal.

And so I will thank him and tell my grandchildren to thank him for his service.

Mr. FROST. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me add my appreciation to the gentleman from Texas (Mr. FROST) for organizing this very special tribute. A couple of days ago, on Saturday in the month of December, San Antonio, the entire city of San Antonio, paid a very special tribute to a national treasure. I want to thank the Gonzalez family for allowing us to come and share in a celebration of life. I would like to offer to Mrs. Gonzalez, Congressman Gonzalez' bride, Bertha, and the eight brothers and sisters my deepest sympathy for their loss.

I want my colleagues to know that Mr. Congressman Gonzalez sat right there three rows back on the floor of the House. It did not take long for new Members to gravitate toward his calm demeanor and very special spirit. I would like to call him a champion for the poor, an on-line fighter that did not diminish his burning desire for equality no matter who was against him. He was a genteel person, even though I am told that he knew a little bit about boxing, and he handled himself very well. But I saw him as someone patient with those of us who were new, a man who could be counted on.

I am reminded of his presence and friendship with President John Fitzgerald Kennedy, and the fact that he was with him on the day of his death in Texas. But in my remarks last Saturday, I ask my colleagues to indulge me to allow me to tell them what Henry Gonzalez means to me. I will never forget, though as a child I would not have known at the time, that in 1957 Henry Gonzalez stood in the Senate in the State of Texas and protected me. There was no other voice that could have protected me at that time. I had no champions. I had no knowledge. I was a child. I was young. And I would not have been aware that a State such as Texas had a governor that filed 16 segregationist legislative initiatives, 16, not one, not two, not three, not four but 16, and a lone Senator with his dear friend stood for 36 hours to protect me and the rest of America who looked like me and who of those he represented.

Thank you, Henry, for fighting against fear, for fighting against segregation and discrimination and racism. Thank you, Congressman Gonzalez, for acknowledging even though you led out on the Select Committee on Assassinations which I served as a staff member, thank you for acknowledging that you wanted the truth to be heard on that committee. Thank you, Chairman Gonzalez, for fighting for Federal housing and fighting against cuts. And thank you, Chairman Gonzalez, for allowing me to help nominate you to fight for your ranking position which you deserved on the Banking Committee.

□ 1215

Lastly, let me thank the Gonzalez family for, I guess, bringing about our new leader, CHARLIE GONZALEZ, who his father was so very proud to watch being sworn in in 1999. Thank you for the sacrifice; thank you for what you have done for me and so many others.

Mr. FROST. Mr. Speaker, I yield to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman for organizing this time on the floor for us to pay special tribute to a very special man. It is very difficult to do this within 2 minutes, but let me try and share with you.

Saturday I attended the funeral services of Henry B. Gonzalez. It was the most beautiful service I have ever attended in my entire life. I guess that was the Highest Mass that was held there on Saturday. It was a beautiful cathedral, the oldest in the country. All of the elected officials from all over the State of Texas and all of the local elected officials attended. It was magnificent.

The church bells rang after the service, the town square was filled, the people were all over the steps, and the local newspaper did something I have never seen. They devoted more space to

Henry B. Gonzalez than I have ever seen devoted to anybody, any elected official, non-elected official, and I know why.

It is the same reason I attended the services. He was a man of impeccable integrity. He was a very special human being who knew who he was and knew from whence he came. He was the Honorable Mr. Chairman of the Committee on Banking and Financial Services, a man that had shown his commitment time and time again with the kind of legislation that he advanced.

He did not care about the perks, the ceremonies, the hot shots. None of that was what Henry cared about. He cared about the people. He helped me to become an active member of that committee.

When I came on to that committee, I did not want to be on that committee. I knew nothing about banking. But because of Henry B. Gonzalez, I was given an opportunity to advance amendments. He worked with me. He helped me to understand what the CRA was all about, he helped me to understand what the banking institutions of America were all about, he helped me to focus on the World Bank and the International Monetary Fund.

He was a learned man who displayed not only his historical knowledge, but his deep intellect on the floor of Congress time and time again.

He was honored in the most magnificent way, and he will be spoken about by many in the most magnificent ways that human beings can today because of who he was.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, a couple of years ago my wife, Cindy, and I sent out Christmas cards on which we signed it ''Charlie and Cindy.'' We got a couple back saying, ''Thank you for the Christmas card, but who are Charlie and Cindy?''

In San Antonio, no one ever asked the question, who is Henry B.? I have known and worked with many colleagues over the years, but none that had the absolute reverence shown to them by his constituency, and knowing him and favorably calling him Henry B.

CHARLIE, you had a great dad. I enjoyed 20 years of his life, getting to know him here on the House floor. We did not often vote together. In fact, more often than not we voted differently. But I found that at no time did I ever doubt the sincerity of the vote cast, the speech made, the point made, the dedication and the sincerity of his attempt to represent his people, his district and his views; and he articulated this in a way that this one more conservative Member never hesitated to say to those that differed, you might differ, but you can never doubt the sincerity.

This place, this Congress and this country, is a better country today because of the likes of Henry B. Gonzalez that comes to this body, represents the views and wishes of his district, and does it in a way that, not only his constituents, but the rest of us will never forget who Henry B. was and is today.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, although the occasion for these remarks is a sad one, I am honored to be able to participate in this special order paying tribute to Texas legend Henry B. Gonzalez. As he did for countless others since first being elected in 1960, Henry B. truly paved the way for my being here in Congress. His invincible will, demonstrated so many times during so many battles, served as an example to me, that while the fight may not always be easy, it is always worth waging.

His example set the bar for which all of us aspire. He was a great American, a selfless and principled public servant, the best of the best, a champion for the poor, a voice for the under-represented in Washington.

Only briefly did I have the pleasure of serving with him here in the House. During that all too short time, I can assure you I was eager to glean whatever I could from his treasured house of invaluable knowledge. In fact, not a day passes that I am not mindful of how he commented to me early on that he would never recommend I rope a cow as it is going down the mountain. It was sage counsel indeed, and it has served me well these past several years, as I know it will continue to do in the years to come.

To me, nothing is more important than standing up for what you believe in and having the fortitude to tackle the tough issues. Henry B. did exactly that, and he did it on his own terms and with the utmost integrity.

In closing, I have the greatest respect for all he accomplished, and I will always admire him. Henry B. Gonzalez represents not only the best that Congress can be, but I feel that the best that an individual can be. He was a true and caring representative of people, and I can think of no greater accolade.

I will miss him, Texas will miss him, America will miss him. His loss is truly immeasurable. CHARLIE GONZALEZ, his son, is my friend and my colleague; and I look forward to serving with him in this House of Representatives.

REQUEST FOR ADDITIONAL TIME

Mr. FROST. Mr. Speaker, I ask unanimous consent that my Special Order be extended by 15 minutes.

The SPEAKER pro tempore (Mr. LATOURETTE). Another Member may make that request, but the gentleman from Texas may not.

REQUEST FOR SPECIAL ORDER

Mr. KANJORSKI. Mr. Speaker, with the consent of the gentleman from Iowa (Mr. GANSKE), I ask unanimous consent that we extend this special order for 15 minutes.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. KANJORSKI) will control the 15 minutes, beginning at 12:35.

GENERAL LEAVE

Mr. FROST. 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 the subject of my Special Order.

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

There was no objection.

TRIBUTE IN MEMORY OF FORMER CONGRESSMAN HENRY B. GONZALEZ

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, last week we lost an icon in American life. I, like all of my colleagues here, can reflect back on just exactly what Henry B. meant, not just to me and to my family, but to Texans and the Hispanic community at large.

We had the privilege of hosting a retirement dinner for him when he retired a couple of years ago, and I can tell you, everyone that attended that retirement dinner, which was, by the way, televised on C–SPAN later on, commented on the fact that Henry B., while a legend, was an individual that had the common man's touch.

It has been said that to truly make a difference in your lifetime, you have to have the ability to walk among kings but never lose the common man's touch, and Henry B. had that common man's touch. He fought for the things that were important for all of us.

A lot of us here today are here because we stood on Henry B.'s shoulders. A lot of us here recognize that we would not be here had Henry B. not been a pathfinder, had not been an individual that opened the road for the rest of us.

While on the one hand it is a sad time to lose a man, a legend, a Texan, an American, truly a hero for all ages and for all this world, on the other hand it is also a time to celebrate his contributions, celebrate what he means to each and every one of us. And let us never forget that as long as he lives in our hearts, he lives in this world.

So to my good friend and colleague, CHARLIE GONZALEZ, as long as all of us have Henry B. in our hearts, he will never die.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I would say to CHARLIE, each member of our delegation shares in your loss and we express our deep sympathy to you.

I guess the best story I ever heard about your father was really not about his early political races or about his 37 years in the Congress or about how he worked to single-handedly break down racial barriers in our country, but it is a story about how the 70-year-old Congressman slugged a man in a San Antonio restaurant who called him a communist.

Henry B. loved his country. He had the kind of fierce patriotism that has always driven America. He did not back off, he did not give in, and he was not afraid to take on the most powerful people in Washington, even if they happened to be in his own party.

Henry's early political career was marked with both important milestones and political failures. His success as the first Tejano to hold a seat on the San Antonio City Council, the Texas State Senate and here in the U.S. House of Representatives inspired a generation of leaders in the Mexican-American communities, many of whom are serving with us here today.

But Henry faced setbacks in his life as well. Half a century ago he thrust himself into San Antonio politics by trying to convince several of his friends to run for the legislature. It seems Henry had become convinced that Bexar County needed a full-time domestic relations court, and he knew the only way to get it was to get it through the legislature. After being unable to find anyone else to run, he ran himself. But he lost that first race. Today in Texas, however, domestic relations courts are a common fixture of the judiciary.

As with so many other issues which he championed as the lone voice crying in the wilderness, Henry was a trailblazer, a trailblazer for the downtrodden, the poor, the disadvantaged, the disenfranchised.

Henry B. Gonzalez once ran for Governor of Texas and for the United States Senate, only to come up short. But the fire inside Henry B. was fueled not by personal ambition, but by love for his country and a belief in a higher cause that could not be extinguished.

For 38 years, Henry fought for the cause of justice and equality in this House. He served under eight Presidents and he chaired the powerful Committee on Banking and Financial Services. He was a legend in Washington, a master of constituent service, and a patron saint of San Antonio politics.

□ 1230

His passion was contagious. His legacy gives all of us the strength to fight, the confidence to succeed, and the resolve never to give up.

That story of the man who called Henry B. a Communist in Earl Abel's restaurant in 1986 reflected that rare combination of passion and character that mark the greatness of Henry B. Gonzalez. It is told that after being hit by the 70-year-old Congressman, that that diner who called him a Communist demanded of Henry B. an apology. Henry said his only regret was that he pulled the punch.

We do not know if Henry really pulled his punch that day, but Henry B. Was a fighter. He was in every sense a great American. If he did really go easy on the man in that restaurant that day, it would have been the only punch he ever pulled.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Texas for yielding to me.

I started my teaching career in San Antonio, and heard of Congressman Henry B. Gonzalez as I was a young teacher. I remember earlier than that even when he was first elected to Congress.

I remember that as the first Hispanic elected to the House of Representatives from Texas, that he instantly became a role model, not only for Hispanics in my area, but for everyone who believed that our country was changing and that opportunities were opening up for all minorities.

From his first day days in the House of Representatives, Chairman Gonzalez became known as a strong personality who was willing to listen to the other side of the argument, but in the end, was willing to fight for what he believed was right.

Chairman Gonzalez gave a voice to the voiceless, hope to the hopeless, and belief in a future to all of us.

As a college student, I had the opportunity to intern for Chairman Jack Brooks. Getting to see Henry B. during that time in action was one of the highlights of my summer here in Washington, D.C. in the late sixties. I know that that experience shaped how I approached being a Congressman.

So much has been said today about Henry B.'s commitment to the homeless, to the disenfranchised, to the less fortunate. His legacy will live forever and his good work will be continued through his other great legacy, our good friend, the gentleman from Texas (Mr. GONZALEZ). I know Henry B. Gonzalez will live on through his work as a Congressman and the impact it had on many of us in this great body.

The State of Texas is a better place, this Nation is a better place, and we are better people because of Henry B. Gonzalez' time on this Earth.

Mr. FROST. Mr. Speaker, I yield to the gentlewoman from California (Ms. ROYBAL-ALLARD.)

Ms. ROYBAL-ALLARD. Mr. Speaker, I join my colleagues in paying tribute to a friend, a mentor, and a great American, Congressman Henry B. Gonzalez. Henry B., as he was known to his friends, served his constituents and our Nation with honor, dedication, and dignity.

I as a member of the Committee on Banking and Financial Services had the privilege of witnessing firsthand Henry B.'s skill and knowledge of the issues under his jurisdiction as chairman of the committee. I benefited and enjoyed the many stories he delighted in telling about his childhood and his many years in Congress, using his incredible institutional memory to make his point to the committee or to a witness. It did not matter whether that witness was a cabinet member or lobbyist, his lectures did not discriminate.

Henry B. was a courageous leader, never afraid to stand up for what he believed was right, particularly when it came to consumer protection and public housing. Under his leadership, he managed and led to enactment numerous bills, including complex legislation reforming the savings and loan industry, fundamental reform of the bank regulation, and the last major public housing legislation to become law.

Furthermore, as the first Hispanic Congressman from Texas, Henry B. was a pioneer who helped break down barriers and pave the way for others to follow. His success in spite of his humble beginnings gave hope and inspiration to others that they, too, could achieve their dream through hard work and commitment.

At a time when the American public was growing increasingly cynical about government and politicians, Henry B. was a shining example of what was right about public service, for no one could challenge his integrity, his honesty, or his decency.

Truly, Henry B. Gonzalez was a statesman who served his country and his constituents with passion, compassion, and commitment. He enriched the lives of all who knew him. I will sincerely miss Henry B. Gonzalez, and I am grateful and privileged for having had the opportunity to serve with him.

Mr. FROST. Mr. Speaker, I yield to the gentleman from New York (Mr. GILMAN), Chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, it is with profound sadness that I join with our colleagues in paying tribute to a distinguished Member of this body who was a unique lawmaker and spokesperson for his district in Texas. I thank the gentleman from Texas (Mr. FROST) for arranging this special order.

Henry B. Gonzalez served meritoriously in the Congress from 1961 until his retirement in 1998. Those 37 years

were the most dramatic in the field of civil rights since the Civil War. Henry B. was in the forefront of the struggle for equality for all minorities, and especially the Hispanic population in his home State of Texas.

Henry was the first Member of Congress from Texas of Mexican heritage. His father was the editor of a Spanish language newspaper, and Henry first made his mark in the Texas State legislature, successfully filibustering against a bill that would have closed Texas schools rather than to comply with the court's orders to desegregate.

He came to the House in a special election to fill a vacancy in 1961, and very quickly established himself in the Congress as an articulate spokesperson for those seeking equality under the law.

Henry's most remarkable accomplishments were as Chairman of the Committee on Banking and Financial Services from 1989 to 1995. In that leadership position, Henry served with great fairness, and managed the approval of significant legislation impacting all Americans.

Perhaps the most significant tribute to Henry came from the other side of the aisle, from his former colleague, Representative Joseph B. Kennedy II of Massachusetts, who stated, ''This guy defines his party's values.''

Henry B. was the last one of our colleagues who was present that tragic day in Dallas, Texas, in 1963 when President John Kennedy was assassinated. He often reflected on the horror of that dark day in our Nation's history, but his faith in our form of government and his hope for the future remained unshaken throughout his career.

Henry was called the spokesperson for the underdog, but in many ways he is a beacon of hope for all of us. Mr. Speaker, I join in extending my deepest sympathies to his widow, Bertha, their eight children, including our good colleague, the gentleman from Texas (Mr. GONZALEZ), and most especially, to the people of the 20th District of Texas who have lost their hero, their staunch, devoted advocate.

TRIBUTE TO THE LATE HONORABLE HENRY B. GONZALEZ

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Pennsylvania (Mr. KANJORSKI) is recognized for 15 minutes.

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute not only to a fine Member of this House, but also to a friend, Henry B. Gonzalez.

When I think of Henry, I think of the tall redwood trees of California. Henry stood just that tall. He was part of the tall timber of America. As we analogize that to the House of Representatives, a lot of those tall timbers have left this House and this institution, with Henry just having been the last.

When I think of Henry, I think of the personal experiences I had, but most of all, what I conceive his philosophy of life to be. He was a man who held to the statement in the Declaration of Independence that all men are created equal, endowed by their Creator with certain inalienable rights, and among those are life, liberty, and the pursuit of happiness.

Henry was not only a man of this House, a man of Texas, and a great American, but Henry in fact was a man of humanity. I am sure that if Henry's life had extended beyond where it ended and he had the opportunity to survive and offer his leadership, he would have liked to have extended that principle that all men are created equal to all of humanity.

From a personal aspect, I knew Henry in serving in this House for the last 16 years, 14 years with Henry. About 2 or 3 hours of a trip in my district one day with Henry B. Gonzalez was probably the most satisfactory time I have ever spent while I have been in Congress. Henry had that gift of knowing history and not being a revisionist of history, and to tell it as it was as he went through the Johnson-Kennedy years in his early beginnings in this Congress. I will always cherish that moment.

But most of all, Henry was a man of conscience, and sometimes we have less of those men in this House and in this Nation than we would like. He served as an example to young Members such as me in the beginning of my term in this House, and he has done it for so many others, as we have heard today.

As we pay respect to the Gonzalez family for their great loss, we also indicate to the world that it has lost a man of humanity, Henry B. Gonzalez.

Mr. Speaker, I yield to the gentleman from New York (Mr. LAFALCE), our ranking member of the Committee on Banking and Financial Services

Mr. LAFALCE. Mr. Speaker, when God created all his hundreds of billions of children over the years, he had a very special moment when Henry B. Gonzalez was created. Then, once Henry was born, he must have thrown that mold away, because I do not think we have ever seen or ever will see an individual like Henry B. Gonzalez.

I am in my 13th term. We have had 435 Members of the House in each of my terms. For so many of us, we blur and it is all gray. Not Henry B. Henry B. stands out as unique in our memory. I am proud to be here in honor of that memory.

He was a strong individual, strong-willed about issues that he believed in. What did he believe in? He believed in the poor, he believed in the voiceless. He believed that he had to stand up and speak up for them.

He would be so pleased today, as I know he was before he died, knowing that his work is being carried on by his son, the gentleman from Texas (Mr. GONZALEZ), because I'm sure he knows he could not have picked a more able individual to continue the tradition of the Gonzalez family.

I would send to the gentleman from Texas (Mr. GONZALEZ) on my own behalf, but in a sense on behalf of all people who have ever been touched by the gentleman's father, and that means millions, our heartfelt sorrow to the gentleman, to his mother, Bertha, to the entire Gonzalez family.

I only hope that the spirit of the gentleman's father, the principles that he stood for, the championing of the downtrodden, will never be forgotten by any Member of this House, and most especially by Members of the Democratic Party, his family that he loved so very much also. God bless.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, let me begin by extending to the Gonzalez family my most sincere condolences on the passing of a great individual, Mr. Henry B. Gonzalez. I was very fortunate to have a chance to serve with him, and it was a fitting tribute to be able to say that I served with someone whom I had respected for so many years and grew to believe was a mentor for many people who thought that oftentimes justice and opportunity would not be there for them.

Henry B. Gonzalez lived to serve the people, to champion the toil and sacrifice of working men and women, to give robust life to their voice, and to defend the precious victories for those whom too often society made winning very difficult.

Whether one was on the front line, in a dark alley, before an unfriendly court, or whether one was just fortunate enough to be in this, the people's House, one could not and will not ever find a greater fighter, a more compassionate and passionate and eloquent advocate, or a more decent and esteemed human being than Henry B. Gonzalez.

For many of us who saw him, we saw when he would be the only one to stand. Sometimes people did not understand why and where he was going, but by the time he was done, that light was very clear at the end of that tunnel. For many, they could not understand how for so many years this man could continue, but he did.

We are very fortunate that we are joined in this House of the people by someone who has had a chance to know him better perhaps than anyone who stands here and speaks, and that is our Congressman, the gentleman from Texas (Mr. GONZALEZ), who can continue to fight for many of the things that our esteemed friend, Henry B., always stood for.

It is in that vein that I think that most of us come here to say to the gentleman from Texas (Mr. GONZALEZ), to the rest of the Gonzalez family, that Henry B. cannot die. He lives, because what he stood for lives in the hearts of people from the beginning of time. And yet, there are people who will need to have Henry B.s because there are those who are still struggling.

I say to the gentleman and to all of the family, Henry B. has not left us, because there are many who wish to keep that fire going, and that fight. I thank Henry B. for having entered into the lives of so many of us, and for continuing to be there as we continue that fight.

□ 1245

Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise today to honor a great individual, a pioneer, a leader, a positive role model, a visionary, an individual that had a lot of integrity, exemplified fairness, justice, our American principles, I speak of the late Henry Gonzalez, a father of a devoted congressman, my friend, CHARLES GONZALEZ of Texas.

Let me begin by stating what an honor it has been to serve with Charlie, a member of the Hispanic Caucus. We have fought hard to protect the civil liberties of the underserved in the communities around the Nation, an issue that Henry championed, an individual who was the founder of the Hispanic Congressional Caucus, an individual that believed in protecting the rights of working families, an individual who believed in protecting our communities, an individual who wanted to make sure that we gained respect.

In the Latino community we say ''respecto.'' Respecto is so important to a lot of us. Henry B. Gonzalez exemplified that. He was a beacon of hope. He was an individual that wanted to make sure that every individual had their dreams and their hopes fulfilled. He was an individual that I did not have the privilege of serving with but had the opportunity to meet.

He is a true model for me and many individuals throughout the State of California, throughout the Nation. He will stand up as an individual who exemplified what we all want to be, all of us who are saying Henry B., you provided an opportunity for all of us to follow in your footsteps.

You are a pioneer who has opened the doors for many individuals to pursue an avenue, not only when he became the first Hispanic Representative from Texas, as I am the last Hispanic to be elected in the State of California, we want other individuals to be elected as well.

Henry, you have given us a lot of hope. You stood up for us. You fought for us. You will continue to be in our history books. As our children will read about you, you have left the legacy of honesty, of fairness, of a devoted father, of a husband.

Henry Gonzalez, you emphasize the meaning of democracy and what can be accomplished when that is structured. You are an individual who has stood up and fought, one who is willing not to take no for an answer, but willing to pursue what needs to be done.

My colleagues and my friends from both sides of the aisle respect his vision and his compassion. I wish the Gonzalez family my deepest condolences on the passing of a true gentleman, Henry B. Gonzalez.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and for getting us this extra time.

Mr. Speaker, it is very interesting to see that so many people from the State of Texas, so many people who have served on the Committee on Banking and Financial Services, indeed, so many people who served with Henry B. in the Congress want to participate in the special order.

I think, Mr. Speaker, this is a very special day in the House of Representatives. All of us who serve here have a special honor, but to have served with Henry Gonzalez was a very special privilege indeed. He was a teacher, a teacher about principle, about integrity, about justice.

Mr. Speaker, I had the privilege of serving on the Committee on Banking and Financial Services under his leadership and saw firsthand his determined commitment to addressing the needs of the country's poorest people. He was a fierce advocate on behalf of those individuals and groups many would consider the least among us.

His leadership on many issues from insuring access to safe decent and affordable housing, to improving the living conditions of residents of the colonias made an enormous difference in the lives of countless people around the Nation. He was a passionate person, as we all know and as has been testified to here, but he was an extremely knowledgeable person, a very, very smart leader.

His passion was something that drove him, but his knowledge has benefitted all Americans, including his campaign to open the workings of the Federal Reserve to more public scrutiny, his stewardship of the investigation of the S&L scandal and his legislation to fix the FDIC. His zeal for truth and justice were a hallmark of his decades of public service.

I hope it is a source of comfort to you, CHARLIE, and to your family, that so many people share your grief, and are praying for you at this time. My condolences and those of all of my constituents to whom Henry B. was a hero. He visited us in San Francisco. The gentleman from Pennsylvania (Mr. KANJORSKI) was on that occasion when we honored Henry B. in San Francisco, and on behalf of those constituents, I extend to you, to your mother, Bertha, and to your entire family our deepest sympathy and our very great gratitude for the life and service of Henry B. Gonzalez.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Speaker, first of all, I want to extend my heartfelt condolences to Henry B.'s family, and I would also like to thank them for allowing us to share Henry B. Gonzalez.

Mr. Speaker, Henry B. Gonzalez was a voice and will continue to be a voice for the common person, and one of my highlights being in Congress was having the honor of serving with Henry B. Gonzalez.

I hope as he looks down upon us, it will give us the courage to fight for the common man and make sure that all people have the equality that they greatly deserve.

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to an extraordinary public servant from Texas, the late Honorable Henry B. Gonzalez of San Antonio, who died last week on November 28, 2000. Henry B., as he was affectionately known, was an active and beloved Member of the House of Representatives—and my friend—and he will be dearly missed by all.

Henry B. served the 20th Congressional District of Texas for 37 years as a dedicated and respected member of the House of Representatives. He held deeply rooted values and ideals and fiercely fought for those he represented. Henry B. Gonzalez was elected to serve in the House of Representatives in 1961, as the first Mexican-American from the State of Texas, and for the next 37 years he was a force with which to be reckoned. In 1989, he became Chairman of the Banking Committee, and during his tenure he served a critical role during the savings and loan crisis.

Gonzalez was devoted to his family, his profession, and to his community, and he leaves a legacy of service that will be remembered by his many friends and constituents. His Congressional legacy includes bringing the University of Texas Health Science Center and the Audie Murphy Veterans Hospital to San Antonio, as well as securing millions of federal dollars for housing, hospitals, urban renewal and schools, in efforts to make his Congressional district a better place in which to live. As a public servant, his legacy extends to the throngs of his friends and to many people that he never met. Henry B. reached out to try and help anyone in need and he was capable of friendship to those in all walks of life—with equal dignity for all.

It was a sad day for me when Henry B. decided to retire from Congress. As a friend and one of his colleagues from the Texas delegation, I hold the utmost respect and admiration for Henry B. Gonzalez. Like everyone else who knew and/or served with Henry—I felt a close and personal kinship to Henry. We

shared many stories—and critiqued many of our old friends and colleagues. He always found something good and kind to say about those with whom he served. He also was capable of remembering those who slighted him or those he represented. Like the old saying—Henry was very much the epitome of being like fire and water—a faithful friend or a fearful enemy. I was privileged to be his close and personal—and admiring—friend.

Henry B. brought dignity and honor to Congress—and in all that he accomplished. His distinguished career and contributions to the State of Texas will be long remembered, and I would like to take this opportunity to join Charles and the rest of his family, his friends, and my peers in paying our last respects to Henry B. Gonzalez.

Mr. Speaker, as we adjourn today, may we do so in memory of this beloved statesman and public servant, the Honorable Henry B. Gonzalez.

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to a former colleague and great member of this body, Henry B. Gonzalez. I am proud to have had the opportunity to serve for over a decade with Congressman Gonzalez, whose life and career were distinguished in so many ways. He is a legendary figure in Texas politics, being the first Mexican American elected to the Texas Senate. He then made an indelible mark on national politics, coming to the House of Representatives in 1961 and eventually ascending to the Chairmanship of the Banking Committee. Known for his great kindness and thorough constituent service, Henry B. Gonzalez was a leader of the civil rights movement, serving as a mentor and role model fore people and legislators of all races and backgrounds. In this way, his accomplishments transcended politics to touch our society at large, and it is this legacy that will never be forgotten.

Mr. Speaker, what I will remember most is the courage Henry B. Gonzalez brought to his work, taking on the toughest of issues, time and time again, through some of the hardest times our country has ever seen. He represented as well as anyone ever has the ideals of the Democratic Party, believing intensely in and fighting for the rights of the disenfranchised and the poor. His commitment to equal protection under the law never wavered, working tirelessly for affordable housing and enhanced consumer protections. These were principles which his son and our colleague, CHARLIE, continues to pursue. I wish CHARLIE and his family my heartfelt condolences, and hope we will all remember the example of Henry B. Gonzalez as we go about our work in Congress.

Mr. SMITH of Texas. Mr. Speaker, it is with a mixture of sadness and food remembrances that I stand before you to mourn the passing of former Congressman Harry B. Gonzalez, a man who served in this House for 18 terms.

On Saturday, I attended Congressman Gonzalez's funeral service in his beloved San Antonio and saw an extraordinary and sincere outpouring of gratitude from the city he served with devotion, honesty and integrity. He served San Antonio not only as a United States Representative, but also as a member of the San Antonio City Council and the Texas Senate.

Congressman Gonzalez, known with affection in our hometown as ''Henry B.'' was eulogized by San Antonio Archbishop Patrick Flores quite simply as a ''good and faithful servant.'' He was—consistently and persistently—a good and faithful servant to his beloved constituents in the 20th District of Texas.

Henry B. was also a staunch partisan and a worthy adversary. He was a man whose life was marked by devotion to family, to community, and to public service.

It was an honor—and on occasion a learning experience—to serve with him in the Bexar County congressional delegation.

In Texas there is a saying, attributed to a Texas Ranger of long ago, that advises that ''No man in the wrong can stand up against a fellow that's in the right and keeps on a-comin'.'' Throughout his extraordinary life of public service, Henry B just kept on a-comin'.

Mr. GEPHARDT. Mr. Speaker, I am deeply saddened by the loss of Henry Gonzalez. Henry was a good colleague, a good friend, and a real champion of the poor and all underprivileged Americans.

In many ways, Henry was a trailblazer. The first Mexican-American from Texas to serve in the House, Henry always fought hard for his constituents in San Antonio. He was in the House for 37 years. His extraordinary length of service was matched only by his commitment to fairness and equality for every American, regardless of race, religion, or ethnicity.

Henry was one of the early leaders of the modern civil rights movement. In 1953, one year before the Brown vs. Board of Education decision, Henry was a member of the San Antonio City Council, and he helped pass a measure of desegregate city facilities. In 1956, three years later, Henry won election to the state Senate, and become the first Mexican-American in that body in over 100 years. By the way, he won that race by 309 votes—after three recounts, and it was a good thing that he won.

Because he continued the good fight. In 1957, Henry spent 22 hours filibustering bills that supported segregation.

Henry brought that same spirit to our Congress.

In 1961, he was sworn-in to the House, and as he raised his right hand, left hand, he clutched a bill to end poll taxes, which discriminated against the poor and minorities. And this bill ultimately found its way into the 1965 Voting Rights Act. As a Member of Congress, Henry fought for low-cost housing so people would have a roof over their heads. And he became a real force in our body for the principle of equal opportunity.

Henry was also one of the greatest Chairman of the House Banking Committee. He helped repair the Federal Deposit Insurance Corporation, and he helped steer the country through the savings and loan crisis.

Deeply committed to his constituents and to his Caucus, Henry was a terrific ally who did so much for Democrats because of what it meant for the American people.

Henry's passing leaves us with a void that can't be filled. But we will never forget his extraordinary dedication and service to this Congress and the country. His career is an inspiration to all of us, and humbly, we will work as hard as possible to fulfill his vision for all Americans.

Mr. PICKETT. Mr. Speaker, I rise today to pay tribute to my colleague for whom I have a profound sense of respect, the Honorable Henry B. Gonzalez of Texas. Congressman Gonzalez has had a long and distinguished career of public service as a pioneer in civil rights.

In the 1950s, Congressman Gonzalez served on the city council of San Antonio where he effectively spoke out against segregation of public facilities. As a Texas state senator, he led an effort to block racial segregation bills aimed at circumventing Brown v. Board of Education and emerged as a leading spokesman for social equality and for bridging racial divides in America.

After winning a seat in the House of Representatives, Henry worked for the passage of a number of legislative proposals of the New Frontier and Great Society, as well as the Equal Opportunities Act of 1964 and the Civil Rights Act of 1964. Later in his career, his leadership was an integral part of enacting legislation in flood insurance reform, major housing initiatives, increasing accessibility to credit for small businesses, strengthening laws on money-laundering, bank fraud and other financial crimes. Later, he skillfully and adeptly led restructuring efforts of the federal deposit insurance system following the collapse of the savings and loan industry in the late 1980s.

An honest man who dedicated his life to the public good, Congressman Henry Gonzalez served as a role model for all to follow. May God give his family, friends, colleagues and constituents the peace, strength, and understanding to sustain the grief of his loss.

Mr. MENENDEZ. Mr. Speaker, I rise to honor a great man and a genuine leader whom we lost one week ago today: Henry B. Gonzalez.

Henry B.—as his friends affectionately knew him—was a pioneer who came from the most humble beginnings. His parents, Mexican immigrants, raised him in San Antonio's West Side in a home with dirt floors and no running water. He experienced discrimination and segregation firsthand during his childhood and youth in Texas.

He defied all odds by putting himself through college, serving his community while at the San Antonio Housing Authority, and later in San Antonio's City Council. He went on to serve as a Texas state senator—the first Texan of Hispanic-descent to do so in over 100 years. He later achieved another first, becoming the first Mexican-American to serve the state of Texas in the U.S. House of Representatives.

Throughout his nearly 40-year congressional career, Henry B. served with distinction—always faithful to his morals and beliefs—and as a true Texan—with courage and determination. He was a tireless advocate of the poor and the disenfranchised in our country, and always carried in his heart a special place for the people of his hometown of San Antonio. He was instrumental in the dismantling of segregationist laws in Texas while in the state senate; he led the restructuring of our nation's financial services industry during the S&L crisis as Chairman of the House Banking Committee; and he championed projects and initiatives that brought economic development, access to healthcare, and jobs to his beloved San Antonio.

Beyond Henry B.'s political and legislative accomplishments, he served as a role model for two generations of aspiring leaders. Scores of Texans—young and old, public servants and corporate leaders, Democrats and Republicans—can point to Henry B. as their inspiration and role model. His accomplishments were our accomplishments; for this we all owe him a debt of gratitude.

There's a popular Mexican dicho that states: El que da camino es por que ya andubo, which means: "He who makes a path does so because he has walked it." Henry B. blazed a path—not just for Hispanic leaders, but for all leaders, by having the courage to be the first.

Henry B.'s life was a fulfillment of the American Dream—it illustrates the greatness of America and the potential that is in each and every one of us, regardless of skin color, national origin, or economic background. I would like to offer my most sincere condolences to my friend, CHARLIE GONZALEZ, his family, and the people of San Antonio—you are in my prayers. I hope you will find comfort in that Henry B. lives on in the legacy he has bequeathed to all of us.

I ask my colleagues to join me in honoring our friend, Henry B.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I want to thank the gentleman from Iowa (Mr. GANSKE) for his accomodation, and to everyone that has participated today in this special order, something that was so dear to dad.

This is obviously a very bitter sweet experience for a Member to be able to come up and address the House and talk about one's parent. It has been a difficult time for many reasons, many of you could understand, but to pay tribute to dad today here on the floor of the House, he would accept that only if we were paying tribute to all of those who served here before him, with him and after him.

He truly believed this was the greatest institution on the face of the Earth, and I am convinced that he was right. When a Member dies or a former Member dies, I truly believe that all of us show up that next morning, and we all have questions. We do not share these questions with one another for whatever reason, but I think that we question our own mortality to begin with. Then the next thing is we question our investment in our sacrifice as public servants.

Though we all recognize what a great privilege and honor it is to serve, we know the costs, not just to ourselves but to our families. All of you hearing me now happen to be a Member or a former Member know exactly what I am talking about. You start questioning whether you made a difference. You start questioning whether public service was worth it.

I like to think that my dad's life, that even especially in his death, it validates that it is a worthy and honorable sacrifice and that we are recognized and that we do make a difference in our own way not just Dad but everyone else.

Dad would be disappointed because I cannot exactly remember the quotation, but I believe it is from Julius Caesar by Shakespeare and that the good that men do is often interred with their bones.

I think that is everyone's greatest fear but probably more so ours than anyone else because there is so much sacrifice. There is so much hard work, to get here, to remain here, to do that which our constituents have sent us to do in representing their interests.

I want to tell you that at Dad's funeral, there was so much evidence that it does not have to be interred with our bones. That Dad's legacy lives every day in the lives of those that he served.

At the funeral home, at the viewing, at the church, at the vigil at the funeral service, at the cemetery, I cannot begin to tell you how many people came up and told us their individual stories, and for each of the Members here today and those that served before Dad, there are countless thousands of people out there that you have helped that you do not even realize, that they may not be thanking you today and it may be their children or grandchildren that will thank you tomorrow. But it is there for all of us.

That is why I say I think Dad's life and even in death, it validates that public service is the noblest of all callings; that is what my father taught me. Of course, he said that was second only to the priesthood.

For the families of the Members, because I have the distinction of actually having been a child of a public servant who dedicated nearly half a century to public service, as well as the Member of Congress, what it does to our families.

When we were at the cemetery and we were in the family car and we were coming out to go to the plot, there was probably a 90-year-old woman who handed us a little note, and it was just scribbled. And it was to my mother and to all of us in that car, and what it said was, thank you for sharing your husband, your father, your grandfather, and your great grandfather with all of us here in this city.

So I know there will be times for all of us when we wonder, but truly even the public understands the sacrifice. They may not tell you. But they love the fact that our families are willing to share us, because it is that kind of devotion and commitment that it takes.

So do not ever question public service. I can tell you if you are truly committed, dedicated and a humble public servant, as my father was, there are rewards way beyond the immediate. Many times you will not hear about it. My father may have heard of some of it, but he surely did not after November 28th when he passed on. But that is when we have the greatest outpouring.

Again, to everyone that has ever served here, and especially to their staffs and to their families, from the Gonzalez family, thank you so much for making my father's life so complete and making his dream of public service a reality.

Mr. Speaker, I wish to submit a tribute for my father by his former Chief of Staff and Press Secretary, Gail Beagle.

TRIBUTE TO THE LATE HENRY B. GONZALEZ, U.S. REPRESENTATIVE FROM TEXAS

(By Gail Beagle)

In 1958 then Texas State Senator Henry B. Gonzalez ran for Governor of Texas. I had just graduated with a degree in journalism from Texas Woman's University at Denton, and with $100 I had borrowed from my life insurance policy I left from my hometown of Nederland for Austin to job-hunt.

In Austin I learned of a fundraiser for Sen. Gonzalez being held at a restaurant called Spanish Village. I took $10 of my $100, got a ride with a University of Texas student with whom I had interned the summer before on the San Antonio Light newspaper, paid my money at the door, and told Sen. Gonzalez of my interest in campaigning for him for Governor in Jefferson County. "I will be at my parents' home until I get a job in Austin," I said. "I anticipate I will be there through the Democratic Primary on July 26. Who is your Jefferson County campaign manager?," I asked. "No one," he replied. "You can be the campaign manager there!"

As an active member of the civil rights movement in the 1950's, I very much knew who State Sen. Henry B. Gonzalez of San Antonio was. He was the Senator who delivered in Austin an intelligent, impassioned filibuster against a package of bills promoting and facilitating segregation in Texas. He was a breath of fresh air on the Texas political horizon, a bright and shining star, and a public official unlike any I had ever seen before. It was my thought that I would never see another one like him again.

Subsequently I worked for him in the Texas State Senate during two legislative sessions (1959 and 1961), and served as his volunteer press aide in early 1961 in his bid to replace Lyndon Johnson as a U.S. Senator from Texas, after LBJ was elected both as Vice President and as a returning U.S. Senator. It was a wild and crazy special election with more than 70 fellow Texans battling it out, and with Gonzalez once again going primarily by stationwagon to the 254 counties across Texas.

However, just a few months late in the Fall of 1961, Sen. Gonzalez's great opportunity came with the appointment to the Court of Military Appeals of San Antonio's and Bexar County's long time Congressman, Paul Kilday. A special election was called and after a hard fought battle which brought former President Dwight Eisenhower to San Antonio to campaign for the opposition, Henry B., as he was affectionately called, was elected on November 5, 1961 to serve in Congress.

I had moved to San Antonio from Austin to campaign, and it was from San Antonio that I first left for Washington to serve newly elected Congressman Gonzalez.

HBG was active on many legislative fronts so it was easy to have something to report to the press, and it was easy to get together a good staff because there were so many enthusiastic and well qualified people who wanted to work for him.

The congressional work with the Congressman was fulfilling inasmuch as there was

much to be accomplished with an office holder who with great gusto gave everything to his job as a public servant.

We worked the first six years creating a world's fair (HemisFair) for San Antonio with several pieces of legislation the Congressman succeeded in getting passed in both the House and the Senate and signed by the President into law. The Congressman also sent U.S. Department of Commerce officials to help local leaders make plans for getting the fair underway. At the same time we were helping the Congressman look out for the interests of our military bases in San Antonio, protect San Antonio's primary source of water, write housing and other legislation, and make it possible for constituents to have fair consumer banking practices, as well as many other equitable benefits under federal law.

While we were active in legislative participation, Congressman Gonzalez made sure that his offices in both Washington and San Antonio looked out for the interests of the poor and went to bat for constituents needing help with either the Veterans Administration, Social Security, immigration and naturalization, workmen's compensation, civil service (active or retired), the Armed Services, and other matters relative to federal agencies and departments.

Among other efforts, we also promoted interest among inter-city youth in getting a free college education and becoming military officers through nomination to one of the U.S. military service academies.

I recall with great pleasure the breakfast or luncheon meetings at the House Restaurant at the U.S. Capitol with newspaper reporters, members of the Administration in power, heads of various federal and Texas agencies, an airline safety consultant (who was also a good friend), and countless other friends and constituents (most of whom had their picture taken on the steps of the Capitol with the Congressman!).

While the hours could be long and arduous, especially for Kelsay Meek, who headed the Congressman's (the Chairman's!) Committee on Banking, Finance and Urban Affairs, and me, we were committed to the level of service that we knew Henry B. wanted to achieve.

The 150 or so former staff members, who served in varying lengths of time with me over a period of more than 30 years either on the personal staff in Washington or in San Antonio, as well as those who served on the Subcommittee (Housing and Community Development) and full Banking Committee, counted it as an honor and a privilege to serve the people's interests with Henry G. Gonzalez.

He lives eternally in our minds and hearts. He now lives with the angels, but we will see him again.

PROVIDING PATIENT PROTECTION LEGISLATION

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I am going to speak for a while today about an issue that has been before Congress for several years now and that will be an important issue in the 107th Congress that will start in January, and that is the issue of providing patient protection legislation to all the people in this country, protection from abuses by managed care organizations, HMOs.

Let me just review for my colleagues, maybe some of the new colleagues who may still be here in Washington after their orientation, where we have been; why we want to do this legislation; why 85 percent of the people in this country think that Congress should pass a strong, a real patient protection bill of rights and it should be signed by the next President of the United States.

A few years ago, there were a series of articles in the New York Post. They had headlines like these, HMOs cruel rules leave her dying for the doc she needs; or this headline, these are the types of headlines that people have seen all around the country, they are not just localized to New York City, The New York Post, what his parents did not know about HMOs may have killed this baby.

As the public became more and more aware of HMO abuses on denials of care that people truly deserved, they needed it to preserve their health and, in many cases, their lives, a perception began that set in in the public about the type of job that HMOs were doing in providing health care for the people who were in those HMOs, that perception was that they were not doing a very good job.

□ 1300

Once that perception sets in, then one starts to see a phenomenon where people can make jokes about that. In fact, we had a situation in a movie a few years ago with Helen Hunt and Jack Nicholson from a movie ''As Good As It Gets,'' if you will remember, where Helen Hunt is explaining how this HMO is denying treatment to her son in the movie with asthma. Then she uses a string of expletives in describing her HMOs, and something happened that I have never seen happen in a movie theater before. I was there with my wife in Des Moines, Iowa. People actually stood up and clapped and applauded her line because they realized the truth of what she was saying.

Then we started to see cartoons in the newspapers. Here is one: the HMO claims department. We have an HMO claims reviewer. ''No, we do not authorize that specialist. No, we do not cover that operation. No, we do not pay for that medication.''

Then the reviewer hears something over her little earpiece telephone; and then she crossly says, ''No, we do not consider this assisted suicide.''

Here is another cartoon that appeared in a national newspaper. This was Don Wasserman from the Boston Globe; it also appeared in the Los Angeles Times: the patient is telling his doctor, ''Do you make more money if you give patients less care?'' The doctor says, ''That is absurd, crazy, delusional.'' Then the patient says, ''Are you saying I am paranoid?'' The doctor says, ''Yes, but we can treat it in three visits.''

Now, this is one of the blackest humor cartoons I have ever seen: we have here a medical reviewer for an HMO. She says, ''Kudly Care HMO. How may I help you? You are at the emergency room, and your husband needs approval for treatment? Gasping, writhing, eyes rolled back in his head? Hum, does not sound all that serious to me.'' Over there, ''Clutching his throat, turning purple? Um-hum. Have you tried an inhaler?''

Then she says, ''He is dead? Well, then, he certainly does not need treatment, does he?'' Then she looks at us and says, ''People are always trying to rip us off.''

Now, I just recently learned something about this cartoon. The person who drew this cartoon did it from personal experience, from problems that a family member was having with his HMO. But it is not all just jokes, because behind that humor are some real-life cases.

This is a picture of a woman surrounded by her children and her husband who was featured in a Time Magazine cover story a few years ago. She lost her life because her HMO did not provide her with proper care and tried to and did influence the type of treatment she was getting. This little girl and boy would have a mother today maybe if that HMO had not tried to deny her care, had not denied her care.

A few years ago, a young woman was hiking in the mountains about 40 miles, 50 miles west of here. She fell off a 40-foot cliff. She broke her skull, she broke her pelvis, broke her arm. She was lying at the bottom of this 40-foot cliff. Fortunately, her boyfriend had a cellular. They were able to get a helicopter in. This shows her trundled up. She was life-flighted into an emergency room and taken care of. Her life was saved. She was in the intensive care unit for a month or so.

Then do you know what her HMO did? They denied to pay for her treatment. One would say, why would that be? I mean, this was a traumatic accident. Was there something in the contract that the HMO is not liable for taking care of accidents? No. The HMO said, ''You know, according to our rules, before you go to an emergency room, you are supposed to phone ahead for prior authorization.''

Well, I want to ask my colleagues something. What was she supposed to do in her semi-comatose state as she is lying at the bottom of her 40-foot cliff, with her nonbroken arm, pull out a cellular phone and dial a 1–800 number and get ahold of somebody 2,000 miles away and say, ''By the way, I just fell off a cliff. I have a broken skull, a broken pelvis, and will you authorize me to go

to an emergency room''? I mean, come on. But those are the types of games the HMOs have played.

Prior to coming to Congress, I was a reconstructive surgeon in Des Moines, Iowa. I took care of children that were born with birth defects like this. This is a little baby with a cleft lip and a cleft palate. One can see the hole on the roof of the mouth. Do my colleagues know what? In the last few years, more than 50 percent of the reconstructive surgeons in this country have had cases like this denied by the HMOs because they are, quote, ''cosmetic.'' I mean, is that a travesty? That is a travesty.

Some really serious things can happen when an HMO makes a medical judgment and then something goes wrong.

This is a little boy here clutching his sister's shirt. One night about 3:00, he had a temperature of about 104, 105. He was really sick. So his mom did the right thing, according to the HMO. She phones the HMO and says ''My little baby boy James looks really sick. I think he needs to go to the emergency room.''

Well, this voice at the end of a 1,000-mile telephone line says, ''Well, I guess I could authorize that, but I am only going to authorize it for this one particular hospital because that is who our HMO has the contract with.''

A medical judgment was made at that moment by that medical reviewer who said we will only pay for your treatment if you go to this one emergency room, not realizing the seriousness of this condition and telling the mom take baby James to the closest emergency room right away. No, that is not what the HMO reviewer said. We will only authorize treatment at this one hospital.

Mom said, ''Well, where is that hospital?'' HMO reviewer said, ''Well, I do not know. Find a map.''

Well, it turns out that it is about 60 or 70 miles away on the other side of metropolitan Atlanta. So Mom and Dad wrap up little James. They get him into the car. They start driving. They pass three hospitals that had emergency rooms capable of taking care of him. But they are not medical people. They have been told to go to this one emergency room where they have authorization from their HMO. Mom and Dad do not know exactly how sick he is. They know he is pretty sick. So they push on.

Before they get there, little Jimmy has a cardiac arrest. So picture Mom and Dad, Dad driving like crazy to find the hospital, Mom trying to keep him alive. They finally pull into a hospital emergency room. Mom leaps out screaming, ''Save my baby, save my baby.'' The nurse comes outside, starts resuscitation, gets some drugs in, gets the IVs going.

They keep him alive. They save his life. But, unfortunately, they do not save all of James. Because of that medical judgment that delayed his getting to an emergency room in a reasonable period of time and because of his cardiac arrest that resulted en route, Jimmy ends up with gangrene of both hands and both feet, which then have to be amputated.

Here is James, minus his hands, minus his lower legs, the direct result of a medical judgment by that HMO. Do my colleagues know something? Under Federal law, if James' insurance is through his parents' employer, then the only thing that can be recovered for James under Federal law is the cost of treatment denied; or in this case, the HMO has to pay for his amputations.

But James gets to live the rest of his life with no hands and no feet. He is doing pretty well. He is older now. He has prostheses that he pulls on to his legs with his stumps. He needs some help getting his bilateral hooks on. But do my colleagues know what, it is pretty hard for him to play basketball. He will never be able to touch the face of the woman that he marries with his hand.

That HMO, under Federal, if this is simply an employer plan, a self-insured plan, then that HMO would be liable for nothing other than the cost of paying for his amputations. That is part of the reason why 85 percent of the public is saying why is it taking so darn long for Congress to fix this thing which Congress made the problem in the beginning with this law about 25 years ago.

We had a lot of testimony before Congress on Patients' Bill of Rights. Four years ago now, we had testimony before the House Committee on Commerce. This was testimony from a medical reviewer. Her testimony had been buried in the fourth panel of the day, way late in the day after all the TV cameras had gone. But I think my colleagues ought to know what she said. She had been a claims reviewer for several HMOs.

Here is what she said: ''I wish to begin by making a public confession. In the spring of 1987, I caused the death of a man. Although this was known to many people, I have not been taken before any court of law or called into account for this by any professional or public forum. In fact, just the opposite occurred. I was rewarded for this. It brought me an improved reputation in my job. It contributed to my advancement afterwards. Not only did I demonstrate I could do what was expected of me, I was the good company medical reviewer. I saved a half million dollars.''

Well, I remember this testimony because, as she was speaking, a hush came over that hearing room. One could have heard a pin drop. The representatives of the HMOs and the insurance industry who were still there kind of looked down at the floor. Well, her voice was pretty husky, and I could see tears in her eyes.

She went on, ''Since that day, I have lived with this act and many others eating into my heart and soul. For me, a physician is a professional charged with the care or healing of his or her human patients. The primary ethical norm is do no harm. I did worse. I caused death. Instead of using a clumsy bloody weapon, I used the simplest, cleanest of tools, my words.

''This man died because I denied him a necessary operation to save his heart. I felt little pain or remorse at the time. The man's faceless distance on that long telephone line soothed my conscience.''

Like a skilled soldier, she went on, ''I was trained for this moment. If any moral qualms would arise, I was to remember I am not denying care, I am just denying payment.''

Well, by this time, the trade association representatives were a little pale in the room. Ms. Peeno's testimony continued: ''At the time, this helped me avoid any sense of responsibility for my decision.''

□ 1315

Now I am no longer to accept the escapist reasoning that allowed me to rationalize that action. I accept my responsibility now for that man's death, as well as for the immeasurable pain and suffering many other decisions of mine caused. And she then listed many of the ways that managed care plans deny care to patients, but she emphasized one particular issue, and that is the HMO's right to decide what care is ''medically necessary.''

She said, ''There is one last activity that I think deserves a special place on this list, and this is what I call the smart bomb of cost containment, and that is medical necessities denials. Even when medical criteria is used, it is rarely developed in any kind of standard traditional clinical process. It is rarely standardized across the field. The criteria are rarely available for prior review by the physicians or members of the plan. We have enough experience from history to demonstrate the consequences of secretive, unregulated systems that go awry. One can only wonder,'' she finished, ''how much pain, suffering and death will we have before we have the courage to change our course. Personally, I have decided that even one death was too much for me.''

Well, after that testimony, and lots of other examples of HMO abuse, we had a full debate on the floor of Congress, October 1999, and we passed a bill called the Bipartisan Consensus Managed Care Reform Act of 1999, the Norwood-Dingell-Ganske bill, with 275 bipartisan votes. Sixty-eight Republicans defied the leadership of the House and made the right principled decision,

something that would address specifically the type of problem that we have, where under Federal law the HMOs, these employer HMOs, can decide to provide whatever treatment they think is necessary according to their own definition of what is necessary; and can then put their definition into a contract with the employer and, according to Federal law, it is then okay, as long as they follow their own definition.

Let me give an example. One HMO said, ''We defined medical necessity as the cheapest, least expensive care.'' The cheapest, least expensive care. The picture I showed of the baby with the cleft lip and cleft palate, under that plan's definition, instead of standard surgical correction to allow the palate to work properly so that a kid can speak and eat without food going out their nose, instead of the standard treatment, which would require an operation, anesthesia, and a stay in the hospital, that plan can say, no, we are just going to provide what is called an obturator. It is like an upper denture plate. It is a piece of plastic. We could put that up there in that little baby's mouth and then food might not come out the nose so much. Would that little baby ever learn to speak correctly? It does not matter under that plan's definition because, after all, the piece of plastic is the cheapest, least expensive care. That is all they would be obligated to give. They could do that under Federal law, and that is why we need to fix that.

There were a number of other substitutes that came up before the House for a debate. They were all defeated in the House. And the devil really is in the details of those substitutes and in the bill that passed the Senate as well. By a very slim vote, along party lines, the bill that passed the Senate is, in my opinion, more of an HMO protection bill more than a patient protection bill.

Let me give an example of why some of these details are so important, because towards the end of our regular session this year, some Congressmen, friends of mine, classmates of mine from that revolutionary class of 1994, whose hearts are in the right places, but the Coburn-Shadegg ''compromise bill'' would have been a step backwards. It is important for people, especially as we are looking at having votes again on the floor of both the House and the Senate this coming year, it is important that people understand specifically why some of the specific language is so important.

The Shadegg bill would preempt State law. It would cut off developing State law. Every case against a health plan would have to go to Federal Court, regardless of whether it involved benefit questions or medical facts. That is page 84, line 9; page 91, line 3.

The Coburn-Shadegg compromise bill attempted a targeted removal of ERISA preemption, but in the same session reversed field from the Norwood-Dingell-Ganske bill and sends us back to current ERISA law, the type of law that has spawned so many problems. Page 90, lines 11 through 25.

Under the Shadegg bill, all emerging case law holding that quality of care cases can be decided by State courts would be cut off and reversed. Page 84, line 9.

Their bill would require injured patients to prove ''bad faith,'' that is a contract term, ''against a health plan's designated 'decisionmaker,' in order to prove a negligence action.'' Those requirements would make it almost impossible to hold health plans accountable for the types of decisions that resulted in that little boy losing both hands and both feet because of that HMOs medical judgment decision. That is on page 84, lines 9 through 37 of their bill.

Under their bill, the health plan's own definition of medical necessity, just what the medical reviewer who testified before the Committee on Commerce was saying is such a problem, the plan's own definition would be controlling. Bad definitions of medical necessity and other health plan contract terms would prevail in the review provisions of the Coburn-Shadegg bill. The cross-references to the terms and conditions are significantly different from the Norwood-Dingell bill. Page 86, lines 23 through 26.

The Shadegg bill then dropped language that would have automatically incorporated patient protections into all of the plan contracts. By dropping that language, he would allow flawed plan contract language to govern patient disputes, short of litigation. And in subsequent lawsuits, plans would be able to argue that the patients waived their statutory rights when they entered the plan contracts.

The gentleman from Georgia (Mr. NORWOOD), a stalwart on this issue, and I have gone around and around with the gentleman from Oklahoma (Mr. COBURN) on the issue of whether external review has to be completed before a lawsuit is initiated. What about this little boy who lost both hands and both feet? He would not have gone through an internal appeals process, an external appeals process. He was injured from the getgo. He ought to have relief. And furthermore, the Supreme Court has ruled that quasi-legal boards determining whether a suit can proceed are infringements of seventh amendment protections. Some have even tried to get provisions into other patient protection bills that say that if any part of the bill is deemed unconstitutional all the rest of it is void.

I am very hopeful that, after this election, in the 107th Congress, that will start January 3, we have a great opportunity to finally pass a real patient protection bill. So I want to speculate a little bit on how Congress would interact with Governor Bush, should he become President.

What is the outlook for the 107th Congress and a Bush administration on a patient bill of rights? Well, here is what Governor Bush wrote in the October 19, 2000 edition of the New England Journal of Medicine. ''During my tenure in office, Texas enacted one of the most comprehensive patient protection laws in the Nation. Our law gives patients the right to seek legal action if they have been harmed. I allowed it to become law because there was a strong independent review process, previously enacted tort reform, and other protections designed to encourage a quick resolution rather than costly litigation.''

Well, my colleagues, there are a lot of provisos in that statement. And I might also add that the Texas House and Senate passed the Texas bill with a veto-proof majority, in fact almost unanimously, after Governor Bush vetoed a patient protection bill the first time. But I am hopeful because Governor Bush many, many times during the campaign talked about the need for a real patient bill of rights, and one that included the right for legal redress.

So I want to help a President Bush, should he be declared the final victor. I want to help him get off to a great start in his administration by getting as big a vote in the House and in the Senate for a real patient bill of rights as we can. I think we are very close to 60 votes in the Senate. I am confident that we will get well over 280 votes here in the House, and we will be very close to veto-proof figures.

I have gone through the comments of many of the new Members and through their positions on a patient bill of rights. Many of our new Members made campaign promises in support of patient protection legislation. Many voted for strong patient protection as members of their State legislatures, so they have a past voting record. For my new colleagues, I ask them to be aware of the campaign of lies the HMO industry is spreading about our bipartisan bill. Most importantly, my colleagues should note that under our bipartisan bill, unless that employer has exercised medical judgment that has resulted in harm or injury, employers cannot be held liable for damages in our bill. If an employer is not involved in the HMO's decision, there is no employer liability.

Now, a number of States, like California, Texas, and Maine have passed patient protection bills since 1997, and 27 others have debated them this past year. An awful lot of legislatures are going to be debating bills reintroduced in January. A New Jersey bill passed its State Senate 38 to 0, and I am sure will be reintroduced.

My point is this. A lot of what we have done in Congress has had salutary

effects throughout the country. State legislatures are doing some of our job, but there are some aspects to Federal law particularly as it relates to the Employee Retirement Income Security Act. This was originally designed to be a consumer bill to ensure that employee pensions were protected but has since become a way for employers to provide less than adequate HMO care, and we need to fix that.

In the last few days, we have found out that Steve and Michele Bauman, are suing Aetna Health Care. They are claiming that its former policy of discharging newborns from hospitals after 24 hours led to the death of their first baby, Michelina, a day after she was sent home in 1995.

□ 1330

This was one of the political cartoons that came out after the HMOs, as you will remember, said, we are going to institute a policy of drive-through deliveries. Here is the maternity hospital. You have your drive-through window. ''Now only 6-minute stays for new moms.'' You have Mom and Dad with crying baby and the hospital person saying, ''Congratulations. Would you like fries with that?''

Well, it was not so funny for the Baumans because their daughter was sent home immediately. She passed away within 24 hours. They make the case that that was improper medical judgment by their HMO to do that.

Now, the interesting thing about that is that they have taken their case all the way to the United States Supreme Court and the United States Supreme Court upheld a Federal Appeals Court ruling that the couple could bring suit against the HMO for malpractice in State court. That is what they are now doing.

So as we are moving at the Federal level here to enact a broad Patients' Bill of Rights protecting the rights of States in these areas, there will be, I predict, a strong move by the HMOs to try to get all of these State jurisdictions moved to Federal jurisdiction. That would be a huge mistake.

My colleague from Georgia (Mr. NORWOOD), a fellow stalwart on patient protections, certainly one of the more conservative Members of the House, a coauthor of the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Reform Act, had this to say in debate in October of 1999 on moving these suits to Federal court. This is what my colleague said:

''The Houghton amendment would make insurers liable in Federal court rather than State court. That is sort of the bottom line. Our bill, H.R. 2723, the Bipartisan Consensus Managed Care Reform Act, and every bill incidentally I have introduced on liability, ensures we want them to face State liability.''

I would just like my colleagues to consider a thought. This is the gentleman from Georgia (Mr. NORWOOD), my compatriot on this. Consider this quote from Chief Justice Rehnquist: ''Congress should commit itself to conserving the Federal courts as a distinctive judicial forum of limited jurisdiction in our system of federalism. Civil and criminal jurisdiction should be assigned to the Federal courts only to further clearly define and justify national interests, leaving to the State courts the responsibility for adjudicating all other matters.''

The gentleman from Georgia (Mr. NORWOOD) continued, ''In the Federal courts today, there are 65 vacancies and the courts anticipate another 16 vacancies forthcoming. Twenty-two courts are considered to be under emergency status. They do not have appropriate coverage from the bench to consider the cases before them. To this situation we are going to add a Federal tort?''

The gentleman from Georgia (Mr. NORWOOD) continues, ''The Speedy Trial Act of 1974 requires the Federal bench to give priority to criminal cases over civil cases. In 1998, criminal case filings were up 15 percent. A single mother whose child needs constant care because of a decision made by an HMO will have to stand in line behind all of the drug dealers before she can try to hold the HMO liable for its action.''

The gentleman from Georgia (Mr. NORWOOD) continues, ''State courts are easier for patients to access. Almost every town in America has a State court. Federal courts are few and far between. States like Texas and Georgia and California already have moved to make insurers accountable for their actions. State courts are a more appropriate and accessible venue for personal injury and wrongful death.''

The gentleman from Georgia (Mr. NORWOOD) continues, ''Considering the problems that patients will have in accessing Federal court, it is hard to imagine that HMO liability meets the Chief Justice's definition of ''national interest.'' It certainly does not meet the single mother's definition. Like all politics, all health care is really local. H.R. 2723 holds insurers liable for their decisions that harm or kill someone in the most appropriate venue, State courts.''

And I could not say it any better than my colleague, the gentleman from Georgia (Mr. NORWOOD), on this issue.

But I predict, as we are moving through this in the year 2001, the HMOs are going to try to stick language into a bill that would move this developing case law, certified by the U.S. Supreme Court decision in the case of the Baumans losing their baby, they are going to try to move this by statute in the Federal courts.

There are a lot of reasons why we should not do it. But I will tell you what. I am a Republican. And my Republican colleagues on this side of the aisle, we have stood down here in the well many times arguing that the Federal Government should not be involved in areas where the States have traditional responsibilities. In fact, I believe that is an amendment in the Constitution.

So, my friends, when we look at this legislation this coming year, let us not preempt the work that has already been going on at the State level; but let us try to set up some standards for everyone, and let us go back and fix the problem that Congress created 25 years ago when they gave the HMOs legal carte blanche to do whatever they wanted to do regardless of the consequences.

I do not know any other industry in the United States that has that kind of legal protection. I think that if Congress brought a bill to the floor today to give that type of legal protection to Bridgestone-Firestone, I think every Member who voted for that would be voted out of office.

Now, that was what, 118 or 120 deaths caused by faulty tires. We are talking about millions of decisions made every day by the HMO industry that can affect a person's health, maybe their hands or their feet, or even their life. How can anyone reasonably argue that the House plan, the HMO, should be liable only for the cost of care denied when they make a medical judgment that is clearly negligent and hurts somebody?

I do not know what kind of responsibility we are talking about. We Republicans have been on this floor many, many times talking about how welfare recipients ought to be responsible. By George, if you are able-bodied and you get education and you get help in child care, you are going to have a limited time and you are going to go out and be responsible and get a job. But some people would argue that we ought to not have plans that are making life-and-death decisions responsible. Somehow there is an inconsistency there.

Well, my prediction for this coming year is that we are going to have a very good debate on this issue. If we see Governor Bush in the White House, I wish him the best. I want to see President Bush succeed by being a uniter, not a divider. I want to see him work in a bipartisan fashion. And one of the earliest things that we can do in this coming year is to pass the latest version of the Norwood-Dingell-Ganske bill, pass it by a big margin in the House, big margin in the Senate, send it to President Bush, and have him sign that bill. And I will tell you what. That would go a long ways to getting his administration off to a good start. And I would love to see that.

Well, Mr. Speaker, I think that we are going to have a lot to do in this coming year. It is a narrow margin that we have here in the House. It is

50–50 tie in the Senate. Some people say, oh, you know, there will just be gridlock and chaos. I am an optimist. I do not see the glass that is half empty. I see this glass as half full. And I think we have a real opportunity to do some things that will benefit our constituents.

HOUR OF MEETING ON WEDNESDAY, DECEMBER 6, 2000

Mr. GANSKE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Iowa?

There was no objection.

HOUR OF MEETING ON THURSDAY, DECEMBER 7, 2000

Mr. GANSKE. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, December 6, 2000, it adjourn to meet at 2 p.m. on Thursday, December 7.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POMEROY (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. HILL of Montana (at the request of Mr. ARMEY) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. GREEN of Wisconsin) to revise and extend their remarks and include extraneous material:)

Mr. GREEN of Wisconsin, for 5 minutes, today.

Mr. EHRLICH, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today and December 6, 7, and 8.

Mr. SALMON, for 5 minutes, today.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Wednesday, December 6, 2000, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11147. A letter from the Secretary, Department of Defense, transmitting the approved retirement and advancement to the grade of vice admiral on the retired list of Vice Admiral Daniel J. Murphy, Jr., United States Navy; to the Committee on Armed Services.

11148. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Consumer Protections for Depository Institution Sales of Insurance [Docket No. 2000–97] (RIN: 1550–AB34) received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11149. A letter from the Legislative and Regulatory Activities Division, Department of Treasury, Office of the Comptroller of the Currency, transmitting the Department's final rule—Consumer Protections for Depository Institution Sales of Insurance [Docket No. 00–26] (RIN: 1557–AB81) received November 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11150. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a transaction involving U.S. exports to India; to the Committee on Banking and Financial Services.

11151. A letter from the Director, Office of Management and Budget, transmitting a report on OMB Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

11152. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Irradiation in the Production, Processing, and Handling of Food [Docket No. 99F–1912] received December 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11153. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 00F–1332] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11154. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations; Radionuclides; Final Rule [FRL–6909–3] (RIN: 2040–AC98) received November 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11155. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–6910–4] received November 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11156. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Control of Emissions from New Nonroad Spark-Ignition Engines Rated above 19 Kilowatts and New Land-Based Recreational Spark-Ignition Engines [FRL–6907–5] (RIN: 2060–AI11) received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11157. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Excess Emissions During Startup, Shutdown, Malfunction and Maintenance [TX–130–1–7473a; FRL–6907–8] received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11158. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Petition By American Samoa for Exemption from Anti-Dumping Requirements for Conventional Gasoline [FRL–6908–8] (RIN: 2060–AI60) received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11159. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Partial Withdrawal of Direct Final Rule for Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District [CA 210–0266; FRL–6908–3] received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11160. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Georgia: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6907–3] received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11161. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Revision to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program [AL–054–200027(a); FRL–6910–6] received November 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11162. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule—Options Price Reporting Authority [Release No. 34–43621; File No. 4–434] (RIN: 3235–AH92) received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11163. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 25–00 which constitutes a Request for Final Approval to conclude the Memorandum of Understanding with the United Kingdom for the Cooperative Framework for Engineering and Manufacturing Development (EMD) of the Joint Strike Fighter and the U.K. Supplement, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

11164. A letter from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics

Traffickers: Additional Designations and Removals and Supplementary Information on Specially Designated Narcotics Traffickers, Foreign Terrorist Organizations—received November 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11165. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting a report on actions to establish a council to promote greater investment in sub-Saharan Africa; to the Committee on International Relations.

11166. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the 6-month period ending September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11167. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General for the period April 1 through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11168. A letter from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting the Department's final rule—Environment and Natural Resources Division Case and Related Files System, JUSTICE/ENRD–003—received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11169. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule—CaseLink Document Database for Office of Special Counsel—Waco, JUSTICE/OSCW–001—received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11170. A letter from the Deputy Administrator, Environmental Protection Agency, transmitting a report on the ''EPA's Inventory of Commercial Activities''; to the Committee on Government Reform.

11171. A letter from the Administrator, U.S. Agency for International Development, transmitting a report on Year 2000 A–76 Inventory for FY99; to the Committee on Government Reform.

11172. A letter from the Secretary, Judicial Conference of the United States, transmitting the Judicial Conference of the United States biennial report to the Congress on the continuing need for all authorized bankruptcy judgeships, pursuant to 28 U.S.C. 152(b)(2); to the Committee on the Judiciary.

11173. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Comments on Items for Year 2001 Published Guidance Priority List—received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11174. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Application of the Anti-Churning Rules for Amortization of Intangibles in Partnerships [TD 8907] (RIN: 1545–AX73) received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11175. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Stock Compensation Corporate Tax Shelter Notice—received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11176. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Trusts Not Considered Individuals for Purposes of Section 935—received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11177. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the level of coverage and expenditures for Religious Nonmedical Health Care Institutions (RNHCIs) under both Medicare and Medicaid for the previous fiscal year (FY); estimated levels of expenditure for the current FY; and, trends in those expenditure levels including an explanation of any significant changes in expenditure levels from previous years; jointly to the Committees on Ways and Means and Commerce.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than December 7, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than December 7, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than December 7, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than December 7, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 7, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than December 7, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 7, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Banking and Financial Services, and Commerce for a period ending not later than December 7, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than December 7, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than December 7, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEACH (for himself and Mr. LAFALCE):

H.R. 5640. A bill to expand homeownership in the United States, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. WOLF:

H.R. 5641. A bill to establish a commission to review the Federal Aviation Administration; to the Committee on Transportation and Infrastructure.

By Mr. BONILLA (for himself, Mr. CUNNINGHAM, and Mr. SAM JOHNSON of Texas):

H. Con. Res. 444. Concurrent resolution expressing the sense of Congress that the right of all members of the uniformed services and their dependents to vote should be reaffirmed by having the Attorney General take all appropriate actions to protect those rights in the State of Florida; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII,

489. The SPEAKER presented a memorial of the Council of the District of Columbia, relative to Resolution 13–684, ''African-American Civil War Memorial Transfer of Jurisdiction Resolution of 2000''; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1322: Mr. GONZALEZ.

H.R. 1323: Mr. BURR of North Carolina.

H.R. 3272: Ms. ROYBAL-ALLARD.

H.R. 3433: Ms. CARSON, Mr. SMITH of Washington, and Mr. DEFAZIO.

H.R. 4874: Mr. KILDEE.

H.R. 4964: Mr. FRELINGHUYSEN.

H.R. 5116: Mr. STRICKLAND and Mr. DEFAZIO.

H.R. 5500: Mr. SAXTON.

H.R. 5631: Mr. GILLMOR, Mr. LAMPSON, Mr. MCGOVERN, Mr. HASTINGS of Florida, Mr. LANTOS, Ms. ESHOO, Mr. MINGE, Mr. FROST, Mr. CLEMENT, and Mr. FILNER.

H. Con. Res. 443: Mr. TANCREDO.

SENATE—*Tuesday, December 5, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 12:01 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of our Nation, Lord of this Senate, and gracious Father of us all, we return to You in repentance, confessing our urgent need for Your grace. We cannot open the Senate today with a business-as-usual attitude. So much has happened in these past weeks in the contested Presidential election and the close Senate races. As tension mounts, patience wears thin, and party spirit threatens to displace the spirit of patriotism in America, we ask for Your healing spirit.

Life can make us bitter or better, resentful or resilient. The difference is in the opening of our minds and hearts to You. May this Senate exemplify to the Nation how reliance on You brings reconciliation in relationships. Help the Senators to model what it means to work together to complete the work of this 106th Congress. Heal our land, Lord, and make these Senators agents of healing.

Today, we celebrate the 98th birthday of Senator STROM THURMOND. We cherish our friendship with him and admire his patriotism. We marvel at his vigor and stamina. By Your providential care, on May 25, 1997, he became the longest serving Senator in the Nation's history. Yet it is not just the quantity but the quality of these years of service that motivate our admiration. May he know of our affirmation, feel our love, and be encouraged by Your blessing.

Now, Lord, we turn to the challenges of this day with the firm conviction that when we place our trust in You, You turn our struggles into stepping stones. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL B. ENZI, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair recognizes the majority leader.

HAPPY BIRTHDAY TO SENATOR STROM THURMOND

Mr. LOTT. Mr. President, on behalf of an admiring Senate, I extend happy birthday and best wishes to our great Senator, the favorite son of South Carolina, STROM THURMOND. What a career he has had and what an example he sets for all of us: A soldier, a patriot, a teacher, a political leader, a man of good will, and a gentle man. We appreciate his presence every day and hope he has a very happy day today and many more to come.

Mr. THURMOND. Mr. President, I thank the majority leader for his kind remarks. He has done a great job. I don't know of anyone who has done better. We are proud of him. I want him to know it. We are proud of the Senate and all it has accomplished, and we expect to do even more as the days go by.

Mr. LOTT. Mr. President, I thank Senator THURMOND, and I yield to Senator REID.

Mr. REID. Mr. President, I also express happy birthday wishes to Senator THURMOND. He is a wonderful example for all of us.

Mr. HOLLINGS. Mr. President, I rise today to offer my congratulations to Senator THURMOND on his 98th birthday. Few people are lucky enough to reach this milestone in their lives, but fewer still, if any, can claim a life as rich and colorful as STROM THURMOND's. He is what the lawyers call ''sui generis''—one of a kind, unique. Last year, a monument to Senator THURMOND was dedicated on the grounds of the South Carolina Statehouse. It was a deserving tribute, but hardly necessary to mark his many contributions to our State and Nation. He is, after all, a living political icon. Generations of South Carolinians refer to him affectionately as ''STROM'' and his birthday is a celebration of service to our State. I know the people of South Carolina join me and Peatsy in sending Senator THURMOND our best wishes for a wonderful day.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will be in a period of morning business until 12:30 p.m. By previous consent, the Senate will recess from 12:30 to 2:15 for the weekly party conferences to meet. When we reconvene, the Senate may continue morning business. However, it is possible the Senate will have one or as many as four votes this afternoon. I don't want to lock it in at this point, but it is possible we could have a recorded vote at 2:15 on the continuing resolution that would be for 2 days. We also could have one or more votes this afternoon on or in relation to cloture on the conference report to accompany H.R. 2415, the bankruptcy legislation.

I see the distinguished assistant Democratic leader here. He may want to comment on that. I emphasize that we do expect at least a couple, maybe as many as four, votes this afternoon.

I welcome back all Senators of the 106th Congress. I hope this session can come to an early conclusion. It would be very important at this time, considering all that is going on. If we show we can act quickly on the remaining appropriations bills and dispose of the tax and Medicare issues, that will be very positive for our country. I look forward to working with the chairman and senior member of the Appropriations Committee to see if we can get that worked out and see if there is any way that maybe we can complete it by Thursday night when this continuing resolution will expire. We will get more information to all Senators later this afternoon, after consultation with the Democratic leaders.

I yield to Senator REID.

Mr. REID. Mr. President, Senator BYRD would like 15 minutes prior to the CR vote, to be divided between him and Senator STEVENS, to talk about that.

During our party conferences, we will find out if we need the two extra votes on bankruptcy. It is my understanding what the leader wants is to have a vote on cloture on bankruptcy. If we have to go through the drill, we will have to have a couple votes before we get to that. I will talk to the people in the Democratic Conference at 12:30 today and report back to the leader as quickly as I can.

I am happy to hear the majority leader talking about moving forward where we left off before the lame duck session started. There has been a tremendous amount of work that has gone into those appropriation bills, the balanced budget problem we have, the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

add-ons, and the other things the leader has indicated we will try to move, rather than have a CR. I hope we do that. We await the direction of the majority in the next few days so we can go home and have a good Christmas.

Mr. LOTT. I thank Senator REID. We will have further announcements after consultation with the leadership on both sides of the aisle.

I thank the Chair and yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes.

The Chair recognizes the Senator from Arizona.

HAPPY BIRTHDAY GREETINGS TO SENATOR THURMOND

Mr. KYL. Mr. President, congratulations to the majority leader, and happy birthday to our President pro tem, STROM THURMOND.

I remember on the 90th birthday of Senator THURMOND, a reporter asked him if he could expect to see STROM on his 100th birthday. Senator THURMOND looked him up and down and said: Well, you look fit enough to me. If you eat right and drink right, you ought to be around to see me then.

All of us are looking forward to the centennial birthday of Senator THURMOND.

RETIREMENT OF SENATOR CONNIE MACK

Mr. KYL. Mr. President, I rise this morning to express how much I am going to miss our colleague, CONNIE MACK, who retires at the end of this Congress, after three terms in the House of Representatives and two terms in the Senate.

My colleague, the first Republican in the history of the State of Florida ever to be reelected to the U.S. Senate, is a valued part of our party's leadership team. He has managed simultaneously to accomplish great things for the conservative cause while also increasing the level of civility in this body.

One is tempted to call CONNIE MACK Reaganesque in the way that he combines an agreeable disposition with rock-solid principles. As chairman of the Joint Economic Committee, and as a member of the Banking and Finance Committees, he led the successful effort in 1995 to cut congressional spending by 9 percent—the largest cut in 40 years. Connie is one of the people who has led Congress in forcing the Federal Government to put its financial house in order.

He has also left his mark in the areas of medical research and protecting the pristine environment in his home State of Florida. And he has been a warm, amiable gentleman in all seasons and all situations.

I served with CONNIE MACK in the House of Representatives to which he was elected in 1982. That was a pivotal time in our politics, as he has pointed out. America had made a clean break at that time from decades of ever-increasing governmental interference in the economy. He entered Congress as a small businessman, a banker, who understood that the engine of America's greatness is its private sector. Then-Congressman MACK took Ronald Reagan's political banner as his own. As CONNIE has written, ''It can be summed up in one word: freedom.'' President Reagan inspired him into public service, and he has eloquently defended conservatism's most deeply held principles: limited government, standing up for democratic allies around the world, lowering the tax burden that Americans bear, taming the bureaucracy and the special interests, and returning to citizens control over their own lives.

We agreed on public policy questions, Senator MACK and I. But having said that, I also know that my colleagues who opposed him on issues admire and like him every bit as much as I do. CONNIE MACK is that kind of person.

Senator MACK said on the floor of the Senate recently—it was on an important foreign policy matter—that ''we must speak the truth and stand on principle.'' That is what he has done daily. That is the virtuous example he has set. It is what has made him such a good public servant for Florida and America.

Mr. President, I know we will all miss our colleague, CONNIE MACK.

TRIBUTE TO SENATOR JOHN ASHCROFT

Mr. KYL. Mr. President, I want to say a few words about the wonderful work that my colleague, JOHN ASHCROFT, has done in the Senate during the last 6 years. Our colleague from Missouri has racked up an enviable list of accomplishments in his time in the Senate.

As you know, he was responsible for the ''charitable choice'' provision in the landmark 1996 welfare reform law, a provision that allows faith-based organizations to compete for Government resources to help poor families. These organizations had previously been shut out of the process. The Ashcroft provision gained such strong, bipartisan support that he has expanded it so that faith-based groups can now participate in Federal substance abuse treatment programs. Senator ASHCROFT has truly helped America find better ways to attack the problems we face in our communities.

He also led the way on another major public policy improvement in the area of Social Security. Social Security, as we know, has had surpluses routinely raided to finance deficit spending of the Federal Government. JOHN was a key Member of Congress who drew attention to, and halted, this practice so that these moneys are now used to pay benefits and only to pay benefits. He introduced the first lockbox proposal in the Senate. And, at his urging, budget procedures were changed so that the objectionable practice of diverting Social Security funds to pay for other Government operations could literally be ruled out of order.

I want to conclude by saying what an honor it has been to serve with a man of such intellect, compassion, and notable integrity as JOHN ASHCROFT. He has distinguished himself as a Missouri Senator, its Governor, its auditor, and its attorney general. One thing is certain: we have not seen the last of JOHN ASHCROFT. I trust that what lies ahead for someone of his caliber is further and even greater service to his State and to his country.

Thank you, Mr. President.

ORDER FOR RECESS

Mr. KYL. Mr. President, I ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 126

Mr. KYL. Mr. President, I ask unanimous consent that at 2:15 p.m., the Senate proceed to H.J. Res. 126, the continuing resolution; further, that no amendments or motions be in order, and that there be 15 minutes equally divided between the chairman and the ranking member; that following that time the resolution be immediately read the third time, and the Senate proceed to a vote on passage of the resolution, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

SENATOR STROM THURMOND'S 98TH BIRTHDAY

Mr. BYRD. Mr. President, I rise this afternoon to add a few accolades to those that have already been expressed on the 98th birthday of our very distinguished and able colleague, Senator THURMOND.

Senator THURMOND and I have worked together in this Chamber for 42 years. I say this with a considerable amount of pleasure. I have always found Senator THURMOND to be

straightforward, courageous—he is absolutely fearless—and always considerate of the viewpoints of others. We were here during the great civil rights debates of the 1960s. We have seen colleagues come and go. We have shared viewpoints on many of the great issues that have been debated upon this stage in the years that have gone by: The Civil Rights Act of 1964, the Voting Rights Act of 1965, the Panama Canal Treaties in the late 1970s—the many issues that have deeply affected our country and the people of our country.

While Senator THURMOND and I belong to different political parties, I think we have attempted to see through the fog of political debate, and we have attempted to speak and act in the best interests of the country as a whole. We have often risen above the political fray.

Senator THURMOND has always been very courteous to me. I can remember those years, now long ago, when Senator THURMOND lost his wife. He was a Democrat in those years, and I remember coming into the Senate Chamber on that morning after. Senator THURMOND sat there in the back row behind me that morning. I walked up to him, shook his hand, and told him of my sorrow at his loss.

I can remember when Senator THURMOND lost his daughter. I went to South Carolina to be with him in that time of trial and tribulation and sorrow. I saw the great outpouring of affection and love by his constituents in South Carolina.

I remember, too, the day in which there was a memorial service conducted for my grandson, Michael, who was tragically killed at the age of 17. I recall that at that memorial service there were two other Senators present—Senator Randolph, my colleague at that time in the Senate, and Senator THURMOND. My colleague today, Senator ROCKEFELLER, was there, but he was at that time the Governor of the State of West Virginia.

I shall never forget when STROM THURMOND came to my side at that moment of great sorrow when I gave up my grandson. Senator THURMOND has always been a Senator who sympathizes with the sorrows, the sadness, and the joys of his colleagues.

I went out here some distance from the Capitol a few years ago to attend the funeral service of a relative of one of my staff members. This relative was a black man. Who came to that funeral service? Me. I was there because it was a relative of one of my staff members. Senator THURMOND was there. He came there to show his sympathy and his concern to those bereaved people.

I marveled at his presence on that occasion. It made me wonder, how many funerals of persons of other races, of other parties, and of other creeds does this man attend around this city?

Let me just say today that it has also been not just a pleasure to serve with Senator THURMOND but it has been an honor. I salute him on this his 98th birthday.

Abraham lived to be 175. Isaac lived to be 180. Jacob lived to be 147. Joshua lived to be 110. Joseph lived to be 110. Moses lived to be 120. STROM THURMOND is only 98. I thank the good Lord that I can be here today to share with him this birthday of his.

Let me close by remembering a few lines, if I might, that were written by a poet.

Count your garden by the flowers,
Never by the leaves that fall.
Count your days by the sunny hours,
Not remembering clouds at all.
Count your nights by stars, not shadows.
Count your life by smiles, not tears.

On this beautiful December afternoon, Senator THURMOND:

Count your age by friends, not years.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from West Virginia for his kind remarks. He is a man of character, a man of ability, a man of dedication, a man for whom all of us have high respect.

He has done a fine job here in the Senate. Although we are in different parties, we have so much in common. I have enjoyed being here with him, and I thank him for his great service to his State and to our Nation.

Thank you, Mr. President.

Mr. BYRD. Mr. President, I understand Senator HARKIN wishes to make a few remarks before the Senate recesses and before the meetings of the two parties. I hope someone will indicate to Senator HARKIN that the floor is now available, if he would come at this time.

I understand he is on his way. If the Chair would just momentarily desist from using the gavel.

Mr. DURBIN. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD. Yes. I yield, if I have the floor, Mr. President.

Mr. DURBIN. Mr. President, I want to thank the Senator from West Virginia for his kind remarks in behalf of the birthday of our colleague from South Carolina, Senator THURMOND. Those were excellent remarks and tribute to a man with whom we have been proud to serve.

I would like to note, because the Senator is such a historian, that someone handed me a little piece of history which might be instructive to us in the days ahead.

The year was 1881, when a special session of the Senate convened on March 4, 1881. The session was called for the exclusive purpose of handling Cabinet and agency nominations for the new administration of President James Garfield. Republicans and Democrats were split evenly 37–37, with 2 independent Senators. Under normal circumstances, this short session should have lasted about 11 days. Due to intense partisanship, it resulted in deadlock. It ran for 11 weeks.

I hope that is a lesson to those of us who are trying to find a reasonable way to resolve our new challenge in the new Congress; that there are ways to do it so we can avoid that kind of deadlock and that kind of delay.

I see the Senator from Iowa present.

Mr. BYRD. Mr. President, If the Senator will yield, the two independent Senators on that occasion came from the State of Illinois. One was David Davis, a former Member of the Supreme Court. The other was William Mahone who hailed from the great State of Virginia, the mother of Presidents.

Mr. DURBIN. I thank the Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

HEALTH AND EDUCATION APPROPRIATIONS

Mr. HARKIN. Mr. President, over a month has passed since the Republican and Democratic negotiators came to agreement on the health and education appropriations bill for this year. As I said back then, the agreement was reached as a product of long and difficult bipartisan negotiations. Senator STEVENS, Senator BYRD, Senator SPECTER, and I, along with Congressmen BILL YOUNG, Congressman DAVID OBEY, and Congressman JOHN PORTER, worked for months to craft this agreement.

Chairman STEVENS and Chairman YOUNG had been charged by their leadership to lead these negotiations to closure so that we could pass this very important bill. That is exactly what they did. At times when negotiations got heated, both sides hung in there, and in the end we came up with a compromise. Neither side liked everything that was in it, but it was a true compromise.

Less than 12 hours after we reached agreement, the faction within the House leadership led by Congressman DELAY and Congressman ARMEY decided to renege on our bipartisan conference. We were baffled by this sudden decision. We spent many late hours giving and taking, compromising, and negotiating. We came to an honorable, mutually satisfactory agreement.

As I said, no one was 100-percent happy with it. For example, I was extremely displeased that, at the insistence of Republicans, an important regulation protecting workers from workplace injuries—such as carpal-tunnel syndrome—was delayed yet again; despite the fact that last year's conference report contained explicit language, it would be delayed further.

Each year, over 600,000 American workers suffer disabling, work-related, musculoskeletal disorders that cost

employers $15 billion to $20 billion a year in compensation. It may cost our economy as much as $60 billion total a year.

I was especially disappointed in the delay because this ergonomic provision, as a nonpartisan proposal, initiated under Labor Secretary Elizabeth Dole in the Bush administration 9 years ago.

While I was displeased with certain aspects of the bill, I was satisfied that the bill contained important provisions to improve the education of our kids, provide health care for working women, and safeguards for Social Security and Medicare. Those provisions are far too important to be destroyed by last-minute partisan politics.

There is a 21-percent overall increase in education funding in this bill and 35-percent more funding for class size reduction. This means 12,000 new teachers across America will be making a difference for 648,000 children.

There is school modernization funding that will generate approximately $9 billion for school repairs; $250 million to increase accountability to turn around failing schools; a 40-percent increase in IDEA grants, Individuals with Disabilities Education Act grants, to States; the largest increase ever in Pell grants, so that college is affordable to working families and their kids; 70,000 more kids will get Head Start under this bill; an additional $817 million for child care to serve 220,000 more children; another almost $.5 billion for afterschool care for 850,000 kids.

In the health care area, there will be 1.4 million more patient visits to community health centers under this bill with an additional $150 million; an additional $18 million for breast and cervical cancer screening; an additional $1.7 billion for NIH funding, the largest ever; home heating, an additional $300 million for the Low-Income Heating Energy Assistance Program.

In the end, each side won some battles and each side lost, but we ended up with a fair and honorable agreement that was in the best interests of our Nation. That is what bipartisan compromise is all about.

Some are suggesting we just adopt a full year's continuing resolution. Not only would that be an abdication of our responsibility, but it would be exactly the wrong start to the next 2 years of a possibly evenly divided Senate and closely divided House. It would toss out one of the best examples of bipartisan cooperation that we have had this year, the bipartisan cooperation to enact the Labor-Health-Education appropriations bill.

Even worse, Mr. President, a full year's continuing resolution would be a step backwards for the education of our kids and making health care available to all Americans. It would wipe out all the gains I have just mentioned that are included in the bill. We would be kissing goodbye all these important advances in class size reduction, Head Start, breast and cervical cancer treatment, and many others.

Among other things, a full year's continuing resolution would cut NIH research by 47 percent, denying funding to 4,500 new research project grants this year. This chart indicates that.

If we pass a 1-year continuing resolution, here is what will happen: Under the current bill on which we had bipartisan agreement, we will be able to fund 9,500 new research projects at NIH. If we have a 1-year continuing resolution at last year's level, we will have only 5,000.

The PRESIDING OFFICER. The hour has arrived for the party conferences to meet. The discussion on this issue will continue.

Mr. HARKIN. I ask unanimous consent to be recognized at 2:15 for 10 minutes.

The PRESIDING OFFICER. The unanimous consent divides time at that time, so I object.

Mr. HARKIN. I ask unanimous consent to be recognized at 2:15 to finish my statement.

The PRESIDING OFFICER. I have to object. We have divided the time at 2:15 on this issue.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:17 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. INHOFE].

UNANIMOUS CONSENT AGREEMENT—H.R. 2415

Mr. STEVENS. Mr. President, I ask unanimous consent that following the vote regarding the continuing resolution, the majority leader be recognized to offer a motion to proceed to the motion to reconsider the cloture vote relative to the bankruptcy bill. I further ask that the motion to proceed on the motion to reconsider be agreed to and the Senate then proceed to 10 minutes equally divided between the majority leader and Senator WELLSTONE, and following that time the Senate proceed immediately to the motion to invoke cloture on the conference report to accompany H.R. 2415, the bankruptcy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 126) making further continuing appropriations for fiscal year 2001 and for other purposes.

The PRESIDING OFFICER. There will be 15 minutes equally divided.

The Senator from Alaska.

Mr. STEVENS. Mr. President, this is a continuing resolution to give us until the close of business Thursday to complete the activities of this Congress. That is a large order, but I think it can be done if all Members of the House and Senate will cooperate.

We have in conference the major bill, the Health and Human Services bill, which we were prepared to act upon, but there were four basic differences in the conference that we could not resolve with the White House before the election. We are working on that. I can report to the Senate that our majority leader has just given us information about the meeting that he and other leaders had with the President last evening. I can tell you from my perspective, based on the report of the majority leader, I believe it is possible to finish by Thursday night if there is a will in both the House and Senate to do so.

It is my judgment—I am sure we are going to hear from the distinguished Senator from West Virginia that he shares this opinion—that the work of this Congress should be finished by this Congress. We put a lot of time and effort into these bills that are still pending in conference. I do believe it is possible for us to finish if all Members will cooperate with us.

The President has consented to making some reductions in the amounts proposed in these bills before the election. We are working on that with the staff of the House now in the appropriations process. I believe we will be able to report back sometime before the close of business today if the progress has led us to the point where we could file, or ask the House to file, a conference report tonight so it could be taken up by the House tomorrow.

Again, I will be pleased to report later. For now, it is my urging that Members of the Senate work with us to try to finish the business of this Congress, including the passage of all of the remaining appropriations bills, by the time given in this continuing resolution, which is the close of business Thursday.

I reserve the remainder of my time and suggest the absence of a quorum, the time not to be charged until the Senator from West Virginia claims his time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Currently, there are 5 minutes 14 seconds remaining on this side and 7½ minutes remaining on your side.

Mr. BYRD. I thank the Chair.

Mr. President, the Senate has now before it the latest in a series of continuing resolutions in order to keep the operations of the Federal Government going for another 48 hours. This will be the 17th continuing resolution for the fiscal year which began on October 1 of this year—the 17th continuing resolution for the fiscal year. This is the largest number of continuing resolutions that has ever been required in order to enable Congress to complete its work on the 13 annual appropriations bills.

As Senators are aware, we have yet to complete action on 4 of the 13 fiscal year 2001 appropriations bills; namely, the Commerce-Justice-State-Judiciary, Labor-HHS, legislative branch, and Treasury-General Government appropriations bills. We are now into the third month of fiscal year 2001, and we have yet to get our work done on these very critical appropriations bills.

It seems to me that the best way to set the tone for the 107th Congress, which will begin on January 3, 2001, would be to finish the work of the 106th Congress immediately. The time has long since passed for us to end partisan bickering over issues in these various appropriations bills. Why should it take so long to reach a compromise on the remaining issues? What in the world is keeping us from completing action on these appropriations bills 2 months after the new fiscal year has begun?

We have been aware of those issues for months. Most of these issues do not involve appropriations at all. Rather, they involve legislative riders which have nothing to do with the operation of the Federal Government as far as funding levels are concerned. Of course, legislative riders are not new. The Wilmot Proviso was such a rider back in the days when slavery was being discussed.

These issues involve ergonomics, immigration, tobacco lawsuits, et cetera, matters that properly belong in the jurisdiction of other committees. We should not continue to tie up appropriations bills for a fiscal year that began more than 2 months ago—haggling over issues such as these.

The partisanship should end right now, right here this week, on these remaining appropriations bills. We should not permit ourselves to delay action on these matters until the next Congress or the next administration. The time has come for this 106th Congress to complete its work now; clean the slate so that the 107th Congress and the new administration can begin with a fresh start.

We have a tremendous opportunity here. We can demonstrate to the American people and to the world that even though the Presidential election is still in the courts, the people's branch—the people's branch—is here, the people's branch is functioning, and the people's branch intends to get our work done. We can demonstrate to the Nation and we can demonstrate to the world that there is stability in this Government even though the next President's name and the next President's party are yet not known.

The way we wind up this year's business can be a constructive harbinger for the way we approach next year's business with a new President and a closely divided Senate and House. We can start now to reassure the American people that we can stop the bickering, stop the wrangling, and begin to behave as adults instead of as 4-year-olds.

We can show the new Senators of both parties how to reach across the aisle for the good of the Nation. Comity and compromise will have to be the watchwords in the new year, and we can begin practicing that new tone right now.

I hope we can pass these four remaining appropriations bills over which the distinguished chairman, over which the staffs, over which the Members of both parties, both sides of the aisle, have spent hours and hours and days in efforts to complete the work, and I hope we can go home to ponder our new responsibilities. Repeatedly passing 48-hour continuing resolutions, or 24-hour continuing resolutions, and continuing to try to play for some partisan advantage sets exactly the wrong tone for next year's changed circumstances.

Senators, let us employ our intellects and our considerable talents for the good of the Nation. Let us do our duty and fund the Government, as we were expected to be doing. There is no advantage to putting off this work, no advantage whatsoever to putting it off any longer. There is only the very possible danger of poisoning the well from which we all must drink in a new and very different reality setting next year.

So I urge my colleagues on both sides of the aisle to work together with Chairman STEVENS and myself and with the leadership in seeing to it that we work together in a spirit of honest compromise to wrap up the remaining matters on the last four appropriations bills and get them to the President's desk for his signature this week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I join with Senator BYRD on most of the comments he made. I am constrained to point out that I did argue with the White House at length not to put us through the process of having 1-day CRs. It is true this is the 17th one, but the bulk of them were for 1 or 2 days. And it takes us 2 days to pass one resolution, 1 day in the House and 1 day over here. As a consequence, we haven't been able to get anything done because we have been busy passing continuing resolutions, so we work the next day on another continuing resolution.

I share the frustration of the Senator from West Virginia with this process. The Senator is absolutely right; we are going into another year in just a matter of days, a time when this body will be split, 50 votes on each side of the aisle. In our Appropriations Committee, we work basically on a bipartisan basis. What we are asking is for the Senate and the House to work together now in these next 2 days and let us wind up this business. The State-Justice-Commerce bill is finished, for all intents and purposes. The Treasury-Postal and legislative bill, that was ready to be signed—and it wasn't signed because of a disagreement over the Health and Human Services bill—we were told would have been signed. So as a practical matter, we have one bill that is really in controversy, and that is the Health and Human Services bill.

As I reported to the Senate before the Senator returned, I tell my good friend, Senator BYRD, our leaders reported that the President has indicated a willingness to agree to some changes in that bill to meet the objections that were raised to the version of the bill prior to the election. I think we can do that today.

Unfortunately, once again we are in a situation where both Houses are involved in elections for the coming Congress. We will be involved tomorrow in indoctrination of new Senators for the next Congress. I am told that if we don't finish by Thursday, we will have to finish by Saturday, which means we will have to spend all day Thursday working on another continuing resolution to be able to stay until Saturday. This foolishness has to stop, if we are going to wind down this Congress and finish the business of this Congress in this calendar year. I think we can.

We are waiting now, Senator BYRD and I, to get together with Members of the House. Both Houses are involved in meetings for organization of the next Congress. I plead with Members to help us wind this down. We are within literally just two or three issues to be resolved on the Health and Human Services bill, and I think we can put them all together. I hope we will bring one resolution before the House and the Senate to approve all three bills. That can be done by Thursday night if there is goodwill here and the comity Senator BYRD has asked the Senate to show at this time.

For myself, I look forward to the challenge of working with a 50–50 balance in the Senate. It is going to be a great challenge for all of us, and it is going to be an opportunity for us to demonstrate to the American public that the Senate is still the basic portion of our Government that deals with

resolution of conflicts. This is supposed to be a debating society, a debating body. I think it will be for 2 years to come. We are going to be doing our business right here on the floor, to a great extent. With the help of the Senate, we will finish this bill.

Does the Senator wish any more time?

Mr. BYRD. Mr. President, if the Senator will yield.

Mr. STEVENS. Yes.

Mr. BYRD. I think we are all aware of the monstrous hoax that has been pulled upon the American people, the hoax that this year was the opening year of the 21st century. This year is the closing year of the 20th century. That is according to the old math as well as the new math. I hope it won't be said that the Senate dabbled and dabbled and waited until the 21st century, which begins on January 1, to complete the appropriations bills of the 20th century. Let's be about our work.

Mr. STEVENS. Mr. President, the Senator makes a good point. I will not argue with the Senator about which century it is. I do believe that next year is the first year of the next century. I join him in that.

Mr. President, I yield back the remainder of any time I may have.

The PRESIDING OFFICER. All time has expired. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading and was read the third time.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the joint resolution pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—99

Abraham	Chafee L.	Frist
Akaka	Cleland	Gorton
Allard	Cochran	Graham
Ashcroft	Collins	Gramm
Baucus	Conrad	Grams
Bayh	Craig	Grassley
Bennett	Crapo	Gregg
Biden	Daschle	Hagel
Bingaman	DeWine	Harkin
Bond	Dodd	Hatch
Boxer	Domenici	Helms
Breaux	Dorgan	Hollings
Brownback	Durbin	Hutchinson
Bryan	Edwards	Hutchison
Bunning	Enzi	Inhofe
Burns	Feingold	Inouye
Byrd	Feinstein	Jeffords
Campbell	Fitzgerald	Johnson
Kennedy	Mikulski	Sessions
Kerrey	Miller	Shelby
Kerry	Moynihan	Smith (NH)
Kohl	Murkowski	Smith (OR)
Kyl	Murray	Snowe
Landrieu	Nickles	Specter
Lautenberg	Reed	Stevens
Levin	Reid	Thomas
Lieberman	Robb	Thompson
Lincoln	Roberts	Thurmond
Lott	Rockefeller	Torricelli
Lugar	Roth	Voinovich
Mack	Santorum	Warner
McCain	Sarbanes	Wellstone
McConnell	Schumer	Wyden

NOT VOTING—1

Leahy

The joint resolution (H.J. Res. 126) was passed.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. There are now 7 minutes equally divided before the next vote.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I yield 3 minutes of the 5 minutes on our side to Senator BIDEN.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will be reading from these charts some of the provisions of current law for women and children. We developed these child support provisions with Senators TORRICELLI, DURBIN, and DODD on the Democrat side. We have worked very hard to accommodate both sides.

For women and children, we give child support first priority status—up from seventh in line—meaning they will be paid ahead of the lawyers.

We make staying current on child support a condition of discharge.

We make debt discharge in bankruptcy conditional upon full payment of past due child support and alimony.

We make domestic support obligations automatically nondischargeable, without the costs of litigation.

We prevent bankruptcy from holding up child custody, visitation, and domestic violence cases.

We help avoid administrative roadblocks to get kids the support they need.

Those are some of the things we are doing for women and children in this bankruptcy bill.

There are more improvements over current law for women and children.

We make payment of child support arrears a condition of plan confirmation.

We provide better notice and more information for easier child support collection.

We provide help in tracking down deadbeats.

We allow for claims against deadbeat parents' property.

We allow for payment of child support with interest by those with means.

We facilitate wage withholding to collect child support from deadbeat parents.

We make great strides against deadbeats.

Pro-consumer provisions:

New disclosures by creditors and more judicial oversight of reaffirmation agreements, to protect them from being pressured into onerous agreements;

A debtor's bill of rights, to prevent bankruptcy mills from preying upon those who are uninformed of their rights;

New consumer protections under the Truth in Lending Act, such as required disclosures regarding minimum monthly payments and introductory rates for credit cards.

We provide penalties on creditors who refuse to renegotiate reasonable payment schedules outside of bankruptcy.

We have penalties on creditors who fail to properly credit plan payments in bankruptcy.

We have credit counseling programs, to help avoid the cycle of indebtedness.

We provide protection for educational savings accounts.

We give equal protection for retirement savings in bankruptcy.

This is a very good bankruptcy bill. We have worked hard to bring both sides together. It is something that is absolutely needed in this country.

I hope our colleagues will support us today in this motion to reconsider.

I reserve the remainder of the time in favor of Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I understand that I have possibly up to 2 minutes.

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. BIDEN. Mr. President, I will not use all of the time.

We will hear from our friend from Massachusetts and others on this floor about how this has harmed women and children in support payments. That is simply, flat out not true. We have improved the position of women. We have improved the position of children. We have improved the position of people who do not have much money.

We have included a safe harbor provision, saying that unless you meet a certain minimum income level, you don't even get considered in this process.

This is a good bill subject to a lot of exaggeration.

My good friend from New York had a very good provision which I supported relating to abortion clinics and bombs. There can't be any intimidation of any kind.

You cannot declare bankruptcy in this country under present bankruptcy law if you engage in activities which under the FACE Act are prohibited.

There is no court in the Nation that has said that. People are trying to get out of bankruptcy. They are trying to

be discharged. But the courts have not discharged them and will not discharge them.

I would like to see the Schumer amendment become law. But, in fact, it is not necessary to protect the very people we want to protect and to hold responsible those who engage in that kind of activity under the FACE Act.

I hope reason will overcome passion. I hope the truth will overcome exaggeration. But I have been in this institution 28 years and who knows?

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota has 5 minutes.

Mr. WELLSTONE. Mr. President, being able to file chapter 7 bankruptcy is a major safety net for middle-class, low-income families.

I have heard my colleagues on the other side speak, but the truth is that every single civil rights organization, labor organization, consumer organization, and women's organization opposes this piece of legislation. It goes too far. It is too harsh. It is significantly worse from a bill that we once passed that indeed was much better.

I have a letter signed by 116 law professors who have said this bill is too harsh and should be defeated.

Finally, colleagues, this bill came to the Senate in a State Department embassy conference report which was gutted. This whole process is absolutely outrageous, and Senators who care about this legislative process and this institution should vote against cloture.

I yield 1½ minutes to my colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, it is fair in a time such as this to ask who the beneficiaries of this legislation are going to be and who is going to lose.

As the Senator from Minnesota pointed out, there is not one single organization that advocates for children that supports this legislation. There isn't a single organization that advocates for women that supports this piece of legislation. There is not one organization that represents working men and women that supports this legislation. There is not one group representing consumers that supports this legislation.

It fails the basic and fundamental test of fairness.

There are over 116 bankruptcy experts from around the country, representing all different views on this, legislation who have basically underscored what I have said. This is written in their letter. They say:

> We write yet again to bring the same message:
>
> The problems with the bankruptcy bill have not been resolved, particularly those provisions that adversely affect women and children.

Then it continues on page 2.

> Granting women and children a first priority for bankruptcy distribution permits them to stand first in line to collect nothing.

That is what this is really all about.

I hope that at this period in our election process we are not going to be out there trying to shortchange hard-working families, the children and women in our society, and the consumers of this Nation.

Mr. WELLSTONE. Mr. President, I yield 1 minute to Senator SCHUMER and 1 minute to Senator DURBIN.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, let me make it clear that without the Schumer amendment this bill does not help women. It would be the leading dagger in keeping a woman's right to choose.

If women support this, why do 16 of the leading women's groups sign a letter saying vote against the bill without the Schumer amendment. Why would we allow those who committed such crimes as posting the Nuremberg files and virtually urging people to harm doctors to escape under the cloak of bankruptcy?

We will go back to the days when 80 percent of the clinics are closed in America and a woman's right to choose is gone.

Whatever you feel about the particulars of the bankruptcy bill—and I agree with the Senator from Massachusetts about that—whether you are pro-choice or pro-life, people ought not take the law into their own hands and then hide behind the cloak of bankruptcy.

Members must vote no on this bill until the Schumer amendment is added back. It passed 80–20 originally on this floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. This bankruptcy bill has been a mangy stray dog that won't get off the back porch.

Let me tell you what is wrong with the bill. Does it improve the position of women and children? Sure, but it also improves the position of credit card companies, competing with the women and children for limited funds.

Does it close the homestead loophole? A little bit, but it allows those who are wealthy to find their way around their legal obligation in bankrupcy.

I have coauthored, cosponsored, and voted for bankruptcy reform when it was bipartisan and balanced. This bill is not. This bill was written by a conference committee dominated by one party. It is being shoved down our throats. It is time to shove that old dog off the back porch.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture on the conference report to H.R. 2415.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2415, a bill to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes:

Trent Lott, Chuck Grassley, Jeff Sessions, Richard Shelby, Fred Thompson, Mike Crapo, Phil Gramm, Jon Kyl, Jim Bunning, Wayne Allard, Thad Cochran, Craig Thomas, Connie Mack, Bill Frist, Bob Smith of New Hampshire, and Frank Murkowski.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report accompanying H.R. 2415 shall be brought to a close?

The yeas and nays are required under this rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present

Mr. REID. I announce that the Senator from Vermont (Mr. LEAHY), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 31, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—67

Abraham	Enzi	McConnell
Allard	Frist	Miller
Ashcroft	Gorton	Murkowski
Bayh	Graham	Nickles
Bennett	Gramm	Robb
Biden	Grams	Roberts
Bingaman	Grassley	Roth
Bond	Gregg	Santorum
Breaux	Hagel	Sessions
Brownback	Hatch	Shelby
Bunning	Helms	Smith (NH)
Burns	Hutchinson	Smith (OR)
Byrd	Hutchison	Snowe
Campbell	Inhofe	Specter
Chafee, L.	Jeffords	Stevens
Cleland	Johnson	Thomas
Cochran	Kerrey	Thompson
Collins	Kyl	Thurmond
Craig	Lincoln	Torricelli
Crapo	Lott	Voinovich
Daschle	Lugar	Warner
DeWine	Mack	
Domenici	McCain	

NAYS—31

Akaka	Harkin	Moynihan
Baucus	Hollings	Murray
Boxer	Inouye	Reed
Bryan	Kennedy	Reid
Conrad	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Landrieu	Schumer
Durbin	Lautenberg	Wellstone
Edwards	Levin	Wyden
Feingold	Lieberman	
Feinstein	Mikulski	

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—1

Leahy

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 31, and 1 Senator responded present. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH AND EDUCATION APPROPRIATIONS

Mr. HARKIN. Mr. President, I rise to continue to address the key pending piece of legislation that has not been enacted this year. It has been passed by both the House and Senate. In the conference committee, we finished our work. But it is sort of hanging in limbo. That is the funding bill for Education, Health and Human Services, other important programs such as the National Institutes of Health, and, of course, the low-income heating energy assistance program which is so vital to many of our low-income and elderly citizens who live in the northeastern part of the United States and in a lot of the other northern parts of America.

That bill right now is in limbo. We passed the appropriations bill in the Senate; the House passed the bill. Then ensued about 4 months of very tough negotiations between the House and the Senate, culminating in a marathon session that took place one weekend before we left, a couple weeks before the election, in which we agreed. When I say ''we,'' I mean Chairman STEVENS of the Appropriations Committee; Senator BYRD, our ranking member on the full Appropriations Committee; Senator SPECTER, who is the chairman of the education appropriations subcommittee; and me. I am the ranking member on the subcommittee. On the House side, we had Chairman YOUNG of Florida, the chairman of the full Appropriations Committee; we had Congressman PORTER, who is chairman of the subcommittee on that side; Congressman OBEY, ranking member on the subcommittee, and also ranking member of the full Appropriations Committee. We all agreed.

It was a Sunday, and we were there until 2 a.m. on Monday morning. We finally agreed. The negotiations were heated. Many times we were hung up on certain things, but in the end we came up with a good compromise.

That was Monday morning. That was right before we left for the election. Less than 12 hours later, a faction within the House Republican leadership, led by Congressman DELAY and Congressman ARMEY, decided to renege on that bipartisan compromise. We were all baffled by this sudden decision. We spent many late hours compromising, negotiating, giving and taking.

I think we came to an honorable, mutually satisfactory agreement. Again, no one was 100-percent happy with it. For example, I was extremely displeased that an important regulation protecting workers from workplace injuries such as carpal tunnel syndrome was delayed yet again, for the third year in a row, despite the fact that last year's conference report contained explicit language stating it would not be delayed any further. Well, Republicans insisted we try to delay this yet again.

Each year, over 600,000 American workers suffer disabling, work-related, musculoskeletal disorders. This costs employers $15 billion to $20 billion a year in compensation. It may cost our economy upwards of $60 billion annually. I was especially disappointed because this so-called ergonomics provision was a nonpartisan proposal initiated under Labor Secretary Elizabeth Dole, a Republican, in the Bush administration 9 years ago.

Yet while I was displeased with this particular aspect of the bill, I was satisfied that the bill contained important provisions to improve education for our kids, improve health care for women and the elderly, fund needed research at the NIH, and safeguard Social Security and Medicare—provisions that are far too important to be destroyed by last-minute partisan politics.

In this bill, we had the highest increase ever in funding for education, with 35 percent more funding for class size reduction. It meant 12,000 new teachers would be hired across America. That is what was in the bill. There was school modernization funding that would generate about $9 billion in needed school repairs to some of our older schools; $250 million to increase accountability to turn around failing schools; a 40-percent increase in grants to States for the education of kids with disabilities and special needs; the largest increase we ever gave for IDEA, from $4.9 billion to $6.9 billion; the largest increase ever for Pell grants, to make college more affordable to working families. That is what was in this bill—the largest increase ever for Pell grants; the biggest increase for grants to States for educating kids with disabilities; school modernization, the first time ever, which would have funded about $9 billion in needed school repairs; 35-percent funding for class size reduction, the most ever. That is just in education.

In child care, again, was a record amount of money, an additional $817 million that would have covered 220,000 more children in America to have child care; afterschool care, $546 million in this bill, so that 850,000 children in America could have some form of afterschool care.

Health care. We added money so that 1.5 million more patient visits could take place at our community health centers around America. We put in an additional $18 million for breast and cervical cancer treatment and screening, an additional $1.7 million for NIH research—the highest level we have ever given, the biggest increase ever for funding at the NIH.

I mentioned earlier a record amount for LIHEAP, the Low Income Home Energy Assistance Program, so that the elderly and low income in the northeastern parts of our country can get the heat they need this winter.

That is what is in the bill. It addresses the educational needs of our country, child care, health care, medical research, and, as I said, things such as home heating for the elderly and low income.

Well, each side won some battles; each side lost some. Isn't that what compromise is about? Isn't that what bipartisanship is about, where I don't get my way all the time and you don't get your way all the time? Maybe I will get some of what I want and maybe you will get some of what you want. That is what bipartisanship is about. We hear all this talk about bipartisanship. It looks as if next year the Senate is going to be right down the middle, 50–50, for the first time ever. If there is ever a time that we need bipartisanship, where we have to mentally understand that we Democrats don't get our way all the time and you Republicans don't get your way all the time but we work these things out, it is now. That is what we did on this appropriations bill.

As I said, it took us almost 5 months of tough negotiations, with strong feelings about this. Finally, we shook hands and we all signed our names to it and we walked out of the room. Then, two Republicans on the House side, Mr. DELAY and Mr. ARMEY, turned thumbs down on it after we had done our work to reach a bipartisan agreement.

Well, if we are going to set the stage for working closer together next year, I suggest we start here and now with the appropriations bill for education. We have a bipartisan bill. Republicans and Democrats who worked on it for 5 months know all the line items that are in it. We all agree that some are progressive, some are conservative, and there are moderates—almost the entire spectrum of the political ideology was involved in this bill. Yet we all agree, except Mr. DELAY and Mr. ARMEY on the House side.

Why should two people in a position of power be able to tell the entire Congress and, in fact, the entire country that we are not going to have this bipartisan agreement that we reached, on which we worked so hard? Two people say that we are not going to have it.

Congressman YOUNG, with whom I served in the House, has been a distinguished House Member for a long time. He and I don't agree philosophically on a lot of things, but we worked it out. Along with Congressman OBEY, Senator STEVENS, and Senator BYRD, we worked these things out.

So I hope we can tell the American people on the crucial issues of education, health care, and child care, yes, we got the message from this election. Let's work in a bipartisan way, just as we did on this bill, and let's send this bill down to the President for his signature.

Some are now suggesting, I hear, that we adopt a full year's continuing resolution, that we disband all of the work we did on this bill and just go to a full year's continuing resolution. Not only would that be an abdication of our responsibility and send exactly the wrong message, but it would be exactly the wrong start for the next 2 years of an evenly divided Senate and a closely divided House. As I said, it would throw out one of the best examples of bipartisan cooperation that we were able to muster this year. Even worse, a full year's continuing resolution would be a step backward for the education of our kids and the health care available to all Americans. If we had a continuing resolution, it would wipe out all the gains I spoke of, including class size reduction, Head Start, and breast and cervical cancer treatment and screening.

I have a chart which shows one of the things that would happen if we do not adopt the appropriations bill on education and health.

As I said, we have the largest increase ever for NIH funding. Why did we do that? We did that because this Congress a few years ago voted overwhelmingly that we were going to double the funding in 5 years for the NIH. Republicans voted for it and Democrats voted for it.

Both Senator SPECTER and I took that charge. We have been adding that money to double that. This year we have a $1.7 billion increase for NIH funding to get it up to double.

That increase means that under the current bill about which I am speaking we will be able to fund 9,500 new research project grants over and above what we have had in the past.

If we have just a continuing resolution, we will be able to fund only 5,000, and 4,500 new research grants will not be funded next year if we don't get this bill to the President and have just a continuing resolution.

What does that mean? It means things such as Alzheimer's disease, child cancer, prostate cancer, breast cancer, childhood diabetes, HIV, Parkinson's disease, cerebral palsy—I have a whole list. I will not read the whole list—all of the things that we are very close to making breakthroughs on—spinal cord injury is another one—and are very close to making tremendous breakthroughs with the new tools that we have—the human genome project is being finished; stem cell research is being done. We are close to making tremendous breakthroughs. Who knows? One of these 4,500 grants that wouldn't be funded could be the one key that unlocked the door to which we could find interventions and a cure for Parkinson's disease. It could be one of those 4,500. But it won't be funded if we don't pass this bill. That is what is at stake.

These are the things that won't be funded: Research to develop drugs to prevent Alzheimer's disease, clinical trial efforts on childhood cancer, prostate cancer, breast cancer, childhood diabetes, and HIV. They are just a few of the things that would be cut back. A full year's continuing resolution would cut NIH research by 47 percent. Forty-five hundred new research project grants would not be funded.

I wanted to take this time because this is our first day back. We were back once since the election, but this is the first time we have been back to really get some legislative work done.

The Christmas season is about upon us. People will be anxious to get out of here and get home to spend time with their families and constituents. But we can't shortchange the American people.

Are we going to shortchange our kids? Are we going to say to the teachers across America that we are not going to reduce class size? Are we going to say to our property taxpayers around the country that we are not going to help them rebuild their crumbling schools; that they will have to take it out of their property taxes?

Are we going to say to families hard pressed, who need school care for their kids and who may live in a place where they really need some afterschool care, that we are not going to fund that either?

What about a working family that has a few kids and one of them is doing well in school and wants to go on to college but they can't afford it? They need a Pell grant. Yet we are not going to give the additional money for the Pell grants.

What about our school systems that are hard pressed around this Nation because more and more of the burden of educating kids with special needs is falling upon our local property taxpayers and they are finding it more and more difficult to meet their constitutional requirements of equal education for kids with disabilities but they aren't able to fund it because the property taxpayers are overburdened as it is?

We have a 40-percent increase in this bill to help our local schools make sure they can meet their constitutional obligation to educate kids with disabilities. We have a continuing resolution, and there that goes.

I think the election is very clear. People in America want us to operate in a bipartisan fashion. This is the opportunity for us to show them that we mean it.

We have a bipartisan bill passed by the Senate, passed by the House, worked out in conference committee, and agreed to by Republicans and by Democrats. Are we going to say that two people in the majority party in the House are able to say they don't like it? Is that what bipartisanship is going to be about around here—that we can all work in a bipartisan fashion but when it gets to the higher echelon of leadership in the House, they don't like it and they can operate by themselves? Is that what bipartisanship means? I don't think that is what the American people think bipartisanship means.

I believe the American people believe bipartisanship is exactly what we did on the education bill. We worked hard on it and lost. We negotiated. We sat and we sat and we talked and talked. We left and came back.

We finally worked it out—not to my satisfaction, not to the satisfaction, I am sure, of Senator SPECTER, and not to the satisfaction, I am sure, of any one of us.

We all had different ideas of what should be in it, but we all gave a little bit. In giving a little bit, we were able to get a bipartisan bill.

I say to my friends on the Republican side—I shouldn't say it here; we had agreement in the Senate. I would be preaching to the choir. But I say to my Republican friends on the House side that if you really want to show the American people that we can work in a bipartisan spirit, this is the chance to show it—with the education bill.

What a great Christmas gift this would be to the hard-working families of America, to our kids, and to the teachers. What a great Christmas gift this would be to millions of Americans who are suffering from debilitating illnesses such as Parkinson's, spinal cord injuries, diabetes, AIDS, and cancer. What a great Christmas gift it would be to them to say we are not going to back down and that we are going to fund the National Institutes of Health; we are going to put the money into this basic research to find the cures that we know are there.

I think that is the Christmas present Congress ought to give to the American people.

I am hopeful that before this week is out cooler heads will prevail and that we will take this bipartisan bill on education and health and send it down to the President, who has indicated that he would indeed sign it. That would be the best Christmas present we could give to the American people.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

PARK RINARD MEMORIAL

Mr. HARKIN. I should like to take a few moments today to honor the life of

a great Iowan and a great American—a man who dedicated many years of his life in service to the people of Iowa and our nation—our friend Park Rinard.

It's been said that on the day John F. Kennedy died, a tailor in New York put a sign on the door of his shop that read, ''Closed Due to a Death in the Family.''

Well, that's how I felt when I heard that Park had passed away, like we had had a death in our family.

Unfortunately, I was unable to attend Park's funeral. It was held during the week before election day, and I had committed to campaign for AL GORE and other Democratic candidates in Iowa.

I felt awful that I would be missing the service, and I thought about taking the day off to attend it.

But then it occurred to me—by hitting the road and working to get good Iowa Democrats elected, I was paying my respects just the way Park would have wanted.

Park Rinard was a legend in Iowa Democratic politics. He began his political career back in 1957 as an aide to Governor Herschel Loveless.

He then befriended a rough-hewn, young, Iowa truck driver who had a beef with the state's trucking policies. Park persuaded this disgruntled fellow—a man by the name of Harold Hughes—to join the Democratic party and run for office. The rest, as they say, is history, and Hughes later referred to Park as his tutor in government.

Park went on to advise Senator John Culver, Congressman Neal Smith, and many others who have made their mark on our Nation.

Mr. President, when I think back on Park's career, I'm reminded of something that Adlai Stevenson once said: ''Every age needs men who will redeem the time by living with a vision of things that are to be.'' That's a perfect description of Park Rinard.

Like my hero, Hubert Humphrey, Park believed that ''. . . the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy . . .'' And Park had a vision of government big enough and bold enough to encompass all of them.

He envisioned a government that trusted citizens—that believed in their strength and capacity to learn, work and serve a government that would invest in people and leave the potential of no citizen untapped. Through his work with Governor Hughes, Park transformed that vision into the wave of progressive legislation that characterized the ''Golden Age'' of Iowa politics.

During these years, Park helped establish Iowa's community college system, create the Iowa Civil Rights Commission, and appoint the first black state judge in Iowa. He worked to grant home rule for cities, increase spending for schools, and abolish the death penalty. And he successfully convinced Governor Hughes to oppose the Vietnam war. These achievements were Park's proudest legacies, and some of his most enduring.

But Park also had a vision for America—a vision which he spent the remainder of his career fighting for in Congress. He believed deeply in expanding women's rights, and he was a strong supporter of the equal rights amendment long before it penetrated the popular consciousness. He also spoke passionately about ending discrimination against gay Americans, long before many others.

But make no mistake about it, Park wasn't a knee-jerk liberal, not by a long shot. He just believed in a fundamental, basic, golden rule kind of fairness. That was his moral compass, and he steadfastly followed where it led. It is therefore unsurprising that Park had such disdain for polls and focus groups. For Park, politics wasn't about pandering and spin, it was about leadership and telling the truth.

And tell the truth he did. No matter whom he was speaking with, Park Rinard did not mince words. He was once asked by a hostile audience how his boss could even consider supporting food stamps for union strikers. Park simply replied, ''hungry people are hungry people.''

A gifted speechwriter, Park wielded the written word as forcefully as the spoken. He spent hours pecking away at his old manual typewriter, massaging policy into poetry often finishing a speech at the last possible moment, sometimes just minutes before his boss was scheduled to deliver it.

Park never hesitated to use his gift for strong language to stand up to his bosses—some of whom were nearly twice his size—when he thought they were wrong.

Park once told a fellow staffer, ''Remember, you might work for one particular Senator, but your paycheck is from the Senate of the United States, and every employee of the Senate works for the people of America.'' That was Park's ultimate loyalty—to the people his bosses served. When Park stood up to his bosses, he was standing up for the American people.

And perhaps most extraordinary in this city that's seen its share of egos and ambition is that Park worked his magic entirely behind the scenes, happy to slip through back doors and pound out details in back rooms. Park felt that, as Ralph Waldo Emerson once noted, ''There is no limit to what can be accomplished if it doesn't matter who gets the credit.'' He never cared who got the applause and the pat on the back for his own hard work. He just cared about doing right.

Park was fundamentally humble. He spent a lot of time among giants—Governors, Presidential candidates, great political leaders—but his ego never swelled to match. Park believed, as the saying goes, that ''you don't have to be who's who to know what's what.''

He was as comfortable lending a hand to a lost tourist, saying a kind word to a new intern, or shooting the breeze with a cafeteria employee as he was chewing out a Senator whom he felt had gone awry. There were no small people with Park Rinard.

All people mattered to Park—and his family mattered most of all. He was a devoted husband to his wife Phyllis, a proud father to his children Judy, David and Grant, and a doting grandfather to his grandson David Bayard. Their generosity in sharing him is appreciated by all of us enriched by his life.

The poet Henry Wadsworth Longfellow once wrote that ''Lives of great men all remind us we can make our lives sublime, and, departing, leave behind us footprints on the sands of time.'' Park was a great man. And he left lasting footprints on the political landscape of Iowa and America.

Today, in part because of the foundation he laid, Iowa leads the nation in education and literacy, and it's ranked as one of the top ten states to raise a child. And today, because of the dialogues he helped begin, the idea of banning discrimination against women and minorities or passing hate crimes laws no longer seems novel, but natural.

These are Park Rinard's footprints—echoes from a golden time in our history when this slight, softspoken man made it his mission to create a more humane world for the most vulnerable among us.

With his words and ideas, both written and spoken, Park Rinard appealed to the best in those he worked for and stood for nothing less.

We are lucky that so many great men and women heeded his call and made good on his dreams.

I ask unanimous consent to have printed in the RECORD a copy of the eulogy read by Senator John Culver at Park Rinard's funeral.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY FOR PARK RINARD

(By John C. Culver, November 3, 2000)

I am very honored that the family has asked me to say a few words today in memory of Park and in celebration of his remarkable life. He dearly loved his wife Phyllis for fifty-five years and deeply revered her knowledge of and passion for the arts. He took great pride in daughter Judy's work at the National Geographic and Smithsonian as a writer, and, of course, his grandson David Bayard. Son Jeff's career at the Library of Congress and the Smithsonian gave him enormous satisfaction. Park and Phyllis' devotion to their son Grant during his life was inspiring to all.

On behalf of everyone here, I want to sincerely thank the Rinard family for sharing Park who so greatly enriched each of our lives.

Senator Harold Hughes once described Park Rinard as ''a quiet, peaceful man with a core of steel and a ''heart of gold.'' He also said, ''Park was the toughest man he ever met.''

When he worked for us Harold Hughes and I were both over 6′2″ tall and unfortunately usually over 250 lbs. It was also falsely rumored that on occasion we could be somewhat intimidating. Harold and I had one other thing in common. We were both scared to death of Park—who was only half our size. I am convinced that what we respected was Parks' integrity and what we feared was that we would fail to live up to his expectations.

Park believed that being a good politician required one to lead and educate public opinion and not just to reflect it. Park always said that one of his primary responsibilities was to tell the elected officials he served what they didn't want to hear. Theoretically I agreed with him. However, there were times, I have to confess, that I found his zeal in carrying out this duty a bit excessive. But certainly his good judgment and candor served me well as I know it did Hershel Loveless, Harold Hughes, Bonnie Campbell, Neal Smith and countless others both in and out of public office.

As many of you know, Park had been secretary, friend, and companion to Iowa artist Grant Wood, who reportedly Latinized his name and called him Parkus. Several original Wood paintings graced Park's small office in Capitol Hill.

Among the many roles Park played for Wood was to model for some of his paintings. Apparently, on one occasion, he actually posed as George Washington. Now Park was a wonderful man and Grant Wood was a brilliant artist. But somehow that particular collaboration never survived to replace Gilbert Stuart's famous portrait of the Nation's first President.

Park was responsible for the transformation of Grant Wood from a shy individual, who avoided public speaking, into the national spokesman for Regionalism as a significant American Art Movement. When Grant Wood died, Park was there. He promised Wood that he would look after Grant's sister, Nan, which he did for the rest of her life. Nan's last conversation with Park was when he called to tell her that the U.S. Postmaster General had approved use of a Grant Wood painting for a postage stamp. The image of the stamp was Young Corn and Park said, ''The painting represented Iowa as a state that nurtures its young people that they may grow to their full potential.''

Park was a beloved figure because he treated everyone—regardless of their status in life—with genuine warmth and kindness. Once in a while, I couldn't find him, and someone would track him down in the Senate office basement, where he was providing personal counseling to one of the cafeteria workers. His son Jeff reminded him that his supportive advice, was often, ''Don't lose your nerve.''

Over the years, Park befriended an elderly woman named Ann, who operated a small newsstand where he would buy his newspapers each evening. One day Ann was upset because she had not received her New York Times delivery. Park was distressed because this would be a significant economic blow to her modest income. A group of wealthy N.Y. businessmen were coming that day to Washington to attend a conference Hughes was sponsoring on Vietnam. Park immediately called them and ordered them to bring a large bundle of New York Times newspapers with them. Thanks to Park, Ann did not lose a single sale that day!

Park loved to play tennis and he enjoyed cooking but his real passion was his garden. He was particularly proud of his blueberries and would bring boxes of them into the office and the staff would eat them out of paper cups on their desks during the day. One day Ed Campbell got a call from the Fairfax Hospital that Park would be late to work because he had been in an automobile accident. Ed rushed to the hospital where he found Park with a gash over his eye. Park explained that a newspaper flew onto his windshield and blinded him and his car hit a telephone pole. Ed said, ''Park's only concern was that he could not deliver his prized blueberries and tomatoes to the office as they were now splattered all over the interior of his car.''

One of the worst-kept secrets in the 1960's was that Park was Governor Hughes' right hand man, even through he held no official portfolio in state government, and was actually working with the Iowa League of Municipalities. Park operated not from a desk at the state House but downtown from a booth in King Ying Low's restaurant. The establishment didn't have a liquor license. Whenever I occasionally joined Park there for lunch, the proprietor, Park's close Chinese American friend, Louie Lejon, would inquire, ''Mr. Rinard, your usual?'' Park would respond, ''That would be fine.'' I noticed that Park's ''usual'' somehow never smelled quite like the tea the rest of us were drinking out of our tea cups. When Park agreed to join me in the Senate, I inherited what was undoubtedly the largest Asian immigration caseload in the U.S. Congress. There must have been at least 550 Chinese immigrants certified to work in King Ying Low's Des Moines restaurant during my Senate term alone.

Park Rinard was the intellectual god-father of Iowa's progressive agenda for a half-century, and those years with Governor Hughes were really the ''Golden Age.'' It was a time when: Community colleges were established; the Iowa Civil Rights Commission created; home rule for cities granted; state spending for schools, prisons, and welfare increased; the first black state judge appointed; and the death penalty abolished.

It is worthy of note that Iowa's State Government has not taken the life of even one person since Park involved himself in Iowa politics.

Decades later Park remained at the forefront of enlightened political thinking. He strongly advocated an Equal Rights Amendment to the Constitution for women. He surprised younger members of my Senate staff over 20 years ago by accurately predicting that the next significant civil rights challenge would be to overcome discrimination against gay Americans.

Bonnie Campbell once remarked that Park was so completely centered and certain in his liberalism that he knew instantly the proper position on an issue because of his ''fundamental sense of fairness,'' while the rest of us had to at least think about it.

Growing up in Northern Iowa over four score years ago Park acquired values he would never abandon: common sense, cooperation, love of the land, sincerity, compassion, civility and justice.

These values formed the underpinning of his political philosophy: phrases like ''the milk of human kindness,'' ''the least of these'' and describing something as being ''clear as the noon whistle at Ida Grove.'' These phrases all slipped easily into his own speech patterns and the language he crafted for those in public life.

Many of us here today recall Park, smoking his pipe, while hunched over his ancient Olympia typewriter pecking out those many speeches. Park was a most gifted writer. However, unlike Federal Express he was reluctant to guarantee a precise arrival time for the finished speech draft. On more than one occasion, this led to serious staff anxiety and a near nervous breakdown for the person expected to deliver the prepared remarks at a particular event.

In 1968 at the Democratic National Convention in Chicago Harold Hughes was to place Eugene McCarthy's name in nomination. Park was in a Des Moines Hotel room where he was supposed to be writing Hughes' speech. Ed Campbell called Park and told him to put the speech on a plane. This was a time, of course, which predated the era of fax machines and e-mail. As zero hour approached, Hughes asked Ed ''Where the hell is the speech?'' Ed called Park. Park said ''he was working on it and would send it by Western Union.'' Ed frantically got a room beneath the podium and with a technician arranged to have the speech pages put on a teleprompter as they arrived over the wire. Hughes was called to the Convention podium with no text and had to ad lib his opening before the first page arrived and was put on the teleprompter. Hughes literally gave the speech in Chicago while Park wrote it in Des Moines. At what appeared to be the conclusion Hughes turned to Ed and, putting his hand over the mike, asked in a stage whisper, ''Is that the end?'' It was, and Gene McCarthy's name was thereby officially placed in nomination as the Democratic Party candidate for President of the United States.

I know Park was not pleased with the condition of American Politics in recent years where mechanics have overwhelmed the issues. Park thought the dialogue had grown sterile and he had little interest in pollsters and consultants. However, he had an abiding faith in democracy and believed that politicians who speak to the best in their constituencies will draw it out. He did his best to make sure that we office holders did just that.

Whatever Governor Herschel Loveless, Governor and Senator Harold Hughes, Attorney General Bonnie Campbell, Congressman Neal Smith and I were able to collectively contribute in our public service careers was, in no small park, made possible because of Park Rinard. Park was truly an ''Iowa Original.'' He uniquely sensed the soul of the state he selflessly served and loved for a life time. His legacy will endure for generations and Iowans will enjoy more opportunities and have a better life because of Park Rinard. What greater reward does life afford?

SENATOR RICHARD BRYAN

Mr. HARKIN. Mr. President, Senator DICK BRYAN is one of few people who has served in this Chamber who has literally devoted nearly his entire life to serving the people of his state and nation.

Senator BRYAN's distinguished career started the day he took the oath of office as president of his 8th grade class at John S. Park Elementary School. It

continued when he took office as president of his sophomore and senior classes at Las Vegas High School and student body president at the University of Nevada-Reno.

After graduating from law school, he served as deputy district attorney in Clark County and was then appointed as Clark County's first public defender at age 28. He did two terms in the Nevada State Assembly. Two terms in the Nevada State Senate. A term as Attorney General. Two terms as Nevada Governor. And he's now done two terms in the United States Senate.

He is the only Nevadan ever to have served as his state's Attorney General, Governor, and United States Senator.

He's also one of few, if any, Senators who've managed to pull an extraordinary triple play and serve on the three major fiscal committees—Finance, Commerce, and Banking.

And he's used these positions to fight harder than just about anyone else here to protect American consumers.

As former member of the Consumer Affairs Subcommittee, he passed an amendment requiring the installation of passenger side air bags in all cars sold in America. Over the years, this piece of legislation has saved hundreds of lives.

Senator BRYAN was also one of the early leaders on privacy issues in this Congress. He led the charge to enact the Children's Online Privacy Protection Act—the first ever federal Internet privacy protection legislation. He has also been leading the fight to add new privacy regulations into the banking industry.

In addition, Senator BRYAN authored laws to reduce telemarketing fraud and to give consumers new rights in combating errors on personal credit reports. He passed the PMI legislation which protects people from having to pay hundreds, sometimes thousands of dollars to private mortgage insurance lenders once they have enough equity in their homes. And he was one of the lead sponsors of Airline Passenger Bill of Rights.

Along with Senator MCCAIN, he passed important boxing reform bills to protect the health and safety of boxers and to maintain the integrity of the sport.

And finally, he has worked tirelessly to protect his constituents from nuclear waste dumping in Nevada.

The one consolation I take when I think about him retiring from the Senate is that he'll finally get to spend more time with his terrific wife, Bonnie. I'm hopeful that the two of them will set aside some time to come out and visit me in Iowa, especially since Senator BRYAN actually has roots in my home state. His father, Oscar Bryan, was born in Des Moines. And Senator BRYAN's uncle by marriage, Keith More, practiced law in Harlan, Iowa for years. Keith's brother, Jack More, was chair of the Democratic State Party in Iowa and headed up Truman's efforts in 1948.

But, no matter what his current plans are, I have a sneaking suspicion that Senator BRYAN isn't going to stop serving his State and his country for a long time to come. He has done it honorably since he was a boy, and he still has a tremendous amount to offer.

SENATOR DANIEL PATRICK MOYNIHAN

Mr. HARKIN. Mr. President, Senator DANIEL PATRICK MOYNIHAN is the kind of scholar-public servant our founding fathers envisioned when they designed our great government. Senator MOYNIHAN has a keen intellect and a kind heart, and his distinguished career is a testament to the power of this combination.

Senator MOYNIHAN began serving this country just one year after he graduated from high school. He enrolled in the United States Navy from 1944–1947 and served in the Naval Reserve for 20 years.

After receiving his BA, MA and PhD, he went on to serve in the administrations of Presidents Kennedy, Johnson, Nixon, and Ford. In fact, he is the only person in American history to have ever served in the Cabinet or subcabinet of four successive presidential administrations.

He served as U.S. Ambassador to India from 1973–1975, U.S. Representative to the United Nations from 1975–1976, and he represented the United States as President of the United National Security Council in 1976.

He has authored or edited 18 books on topics ranging from the Reagan era to the American family to poverty to ethnicity to the practice of government. And he has received 62 honorary degrees.

Senator MOYNIHAN's list of legislative accomplishments is no less impressive. He produced the Intermodal Surface Transportation Efficiency Act of 1991 and the Transportation Equity Act for the 21st Century which provided money and incentives for States to build mass transit systems.

He has done outstanding work on cleaning up our environment through his legislation to clean up nuclear waste and toxic sites and to control acid rain.

He has also been a leader in transforming our social welfare system. His 1988 Family Support Act began the process of changing the AFDC program from an income security program to one which helps individuals secure employment. He has also sponsored a bill to improve the Social Security Administration and to keep Social Security solvent for the future.

And if you take a walk around this city—or any number of other American cities for that matter—you won't get far before you see a building that Senator MOYNIHAN helped to build or preserve. From the Old Patent Office which now hosts two Smithsonian museums, to the Old Post Office, to the Old Pension Building, which is now the National Building Museum, and many more.

The Senate will sorely miss its resident scholar. Senator MOYNIHAN combined a mind for philosophy, an eye for beauty, and a heart for service. And this city, the State of New York, and our Nation are the better for his sensitive and dedicated work.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Michigan, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2415

The PRESIDING OFFICER. In my capacity as a Senator from the State of Michigan, I ask unanimous consent that at 11 a.m. on Wednesday, the Senate resume postcloture debate regarding the bankruptcy bill and there be 6 hours for debate postcloture to be equally divided between the chairman and the ranking minority member, or their designees.

I further ask unanimous consent that at 2 p.m. on Thursday, the Senate proceed immediately to up to 30 minutes of debate for each of the following Senators: HATCH, GRASSLEY, WELLSTONE, and LEAHY, and following that time, at 4 p.m. on Thursday, the Senate proceed to a vote on adoption of the conference report, notwithstanding rule XXII, any intervening motion, action or debate, and that paragraph 4 of rule XII be waived.

Without objection, it is so ordered.

In my capacity as a Senator from the State of Michigan, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 3274 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

DRUG FREE COMMUNITIES ACT SUCCESSES IN COLORADO

Mr. CAMPBELL. Mr. President, I would like to take a minute to call my colleagues' attention to a conference which is convening this week here in Washington, DC. The Community Anti-Drug Coalitions of America is sponsoring its National Leadership Forum XI from December 6–8, 2000. The National Leadership Forum is the largest meeting of grassroots and professional community coalition leaders in the country. CADCA expects approximately 1500 participants to participate in the Forum this year to network and learn about the most innovative programs, products and services working to reduce youth substance abuse in communities across the country.

As the chairman of the Treasury and General Government Subcommittee, I have a keen interest in these programs which receive support through the Drug Free Communities Act under the Treasury subcommittee's jurisdiction. The Drug Free Communities Act has seen some great successes. This program is funded at $40 million for fiscal year 2001, which is $5 million more than the administration requested. This program provides small grants to non-profit organizations that are trying to curb the impact of drugs in our communities.

One good example is in my own state of Colorado. The Drug Free Community grant recipient is called Grand Futures. This non-profit organization has implemented a program that attempts to directly influence the social behaviors that tend to lead to drug use. The basic premise is, if you can influence those activities that lead to or are related to drug use, you can impact the incidence of drug use itself.

Grand Futures, which receives funding under the Drug Free Communities Act, conducts tobacco and alcohol stings. In addition, Grand Futures also works with local businesses regarding employee alcohol consumption during working hours and conducts outreach efforts regarding patrons' drinking and driving behavior.

As a result of their work, Grand, Moffat and Routt counties in Colorado, the area which Grand Futures administers, has shown a significant drop in adult and juvenile violations of the state's liquor laws. For that same time and location, this area also experienced a corresponding decrease in adult and juvenile drug violations.

I think you can see that if we focus on the contributing factors of drug use, we can have an impact. Also, it demonstrates that when you allow the state and local organizations to tackle an issue and provide them the resources to do so, each in its own way, they can be more successful in their grassroots efforts than a large Federal program would be. People like those working at Grand Futures live in the community, and they understand the local environment and the potential constraints that an outsider may not. This can be something as simple as knowing what the local past time is for teens.

The Drug Free Communities Act demonstrates that groups like Grand Futures are well suited to tackle the drug problem with locally-based solutions tailored to address the community's unique situation. I would encourage my colleagues to look into their Drug Free Communities Act recipients in their own state. I think that they will find dedicated, hard-working organizations that are achieving success and deserve their support.

HONORING WILLIAM V. ROTH, JR.

Mr. BIDEN. Mr. President, I rise today to honor our respected colleague, my friend, and a true gentleman of the United States Senate—BILL ROTH.

I have had the honor to serve side-by-side with the senior senator from Delaware for nearly 28 years. Never once have any of you nor anyone in our home State of Delaware—ever heard me say an ill, unkind or negative word about him. And I might add —nor he of me. In my case, there is a good reason for this. He has never given me cause to say anything negative.

I, personally, and my state collectively—genuinely respect and like BILL ROTH. He is a true gentleman—with all the politeness, honesty and integrity that word connotes.

Personally, I will greatly miss his companionship and friendship. We have racked up more miles on Amtrak between Wilmington and Washington than probably anyone in history! On our train rides, we would often talk about how we could best work together on a project for Delaware. And we would discuss pressing legislative business. But we'd also talk about family and children and grandchildren.

BILL ROTH has served Delawareans with great distinction for 34 years. Since 1970, he has served in the Senate, and before that, four years in the U.S. House of Representatives. BILL ROTH is a living legend in Delaware. In a sentence—he is the longest-serving elected official in the history of Delaware.

And he has made his name known across this country, and throughout the world.

Think about the men and women who have served in the United States Senate—the true giants. Only a handful have programs or laws named after them and for which they will forever be known. BILL ROTH is one of those giants. He has not one, but two historic laws that bear his name—the Roth–Kemp tax cut of the 1980s, and of course, the Roth I.R.A.

On foreign affairs, Senator ROTH is an internationalist. He has met with and is respected by more world leaders than most U.S. Presidents. There is no doubt in my mind that without BILL ROTH, we would not have NATO enlargement or Normal Permanent Trade Relations with China. He is the former President of the North Atlantic Assembly—which is a parliamentary arm of NATO—and served as co-chair with me of the Senate NATO Observer Group. As a staunch believer in strong security alliances in not only Europe, but also Asia, he helped lead the effort for NATO enlargement and currently serves on the boards for the Center for Strategic and International Studies and the Board of the Pan-Pacific Association. He also is active in the Asia Pacific Parliamentary Forum.

Beside the international and financial arenas, Senator ROTH has made his mark on environmental issues as well. He is a recipient of the Wilderness Society's prestigious ''Ansel Adams'' Award for his work to protect pristine lands, such as the coastal plain of Alaska—fighting many in his own party who want to open up that national treasure to oil exploration.

The breadth of BILL ROTH's contributions to this nation seem to be without limits. He understands how government works and when it doesn't serve the public the way it should, he's stepped forward to fix things. Whether it's general government restructuring, overhauling the IRS to end taxpayer abuses, or reforming the welfare system, he has left his mark. And when Amtrak needed critical support to advance to high speed rail, he championed the act to commit more than $2 billion for capital improvements.

With all his distinguished awards and landmark legislation, BILL ROTH also is part of the so-called ''Greatest Generation,'' serving our country in World War II. He rose to the rank of captain and earned the Bronze Star for his service in the Pacific.

Like his war service, there is much Senator ROTH does in Delaware for which he never seeks headlines nor credit. Every year, for the past 30 years, he has hosted and organized a Youth Conference for high school students throughout the State. This is an enormous undertaking to coordinate—involving high school principals, teachers, students and well-known keynote speakers. He has done it all solely for the kids. I am certain many of those students over the years are now serving as leaders in our businesses, non-profit organizations, and some even hold public office now themselves.

I realize it's rare, and somewhat awkward, for one member of this body to stand up and so publicly honor his fellow, distinguished Senator. But BILL

ROTH deserves that and much more. Senator ROTH has been a friend, partner and confidant to me over the years.

Delawareans also will miss the pleasant, extremely competent and caring service of Senator ROTH's staff. From veterans to members of the business community—from seniors to school students—from the fire service to the armed forces—from the City of Wilmington to the beach communities—Senator ROTH and his staff were highly regarded for their friendly, responsive and highly-professional constituent services.

And I know that beyond all his legislative accomplishments, Senator ROTH is most proud of his wife of 35 years—The Honorable Jane Richards Roth—his son Bud who is an attorney in Delaware—his daughter, Katy who is a physician—and his two grandsons, Bobby and Charlie.

This body is losing more than a powerful Committee chairman, who used that power wisely, judicially and compassionately. The United States Senate is losing a genuine gentleman. He has served the citizens of Delaware with honor and integrity for nearly 34 years. Our State, our country and the United States Senate are so much better for his service.

The British statesman and philosopher, Edmund Burke, said in a speech at Bristol:

> The worthy gentleman who has been snatched from us at the moment of the election, and in the middle of the contest, whilst his desires were as warm and his hopes as eager as ours, has feelingly told us what shadows we are, and what shadows we pursue.

Senator ROTH's shadow will stay with this body for years to come as we pursue the principles he stood for.

FATIGUE MANAGEMENT IS KEY TO IMPROVED HIGHWAY TRUCK SAFETY

Mr. GRAMS. Mr. President, highway safety, especially concerning long-haul trucks tends to be a contentious issue. It is generally understood that the long-haul truck driver faces a tedious and fatiguing task. Anyone trying to get to Florida from Minnesota in one day knows that. Government regulations on commercial truck drivers set parameters on hours of operation in the hope necessary rest can be achieved, thus preventing tired drivers from undertaking their critical duty. How can a government mandate for rest produce results?

Anyone in the business knows that the Administration's proposed regulations governing truck drivers have gone from bad to worse. We recently passed legislation delaying the implementation of a new proposed regulation. However, there is a solution. But first, some background.

Prescriptive Hours of Service regulations, HOS, have been unchanged for more than sixty years. After ten hours driving, a driver may not drive for eight hours. A driver may not drive more than seventy hours in eight days. Supposedly the non-driving time is intended to provide opportunity for sleep and other necessary activities. However, long-haul drivers may end a ten-hour driving period at a time of day when their physiological alerting system, or body clock, will not permit sleep. At the end of the non-driving period they may be tired but may legally drive. In many instances, they must drive fatigued in order to make timely delivery. There is consensus in the scientific community that any system of prescriptive hours of service regulation will result in drivers occasionally being prohibited from driving when they are alert and compelled to drive when they are tired.

It has come to my attention that a logical and creative alternative is at hand. One that offers the promise of not only improved highway truck safety, but improvement in the life-styles of the participants—the truck drivers—and in the efficiencies of the companies who employ them. The alternative is in managing fatigue.

The problem of operator inattention related to sleep deprivation has been the subject of medical, scientific and regulatory inquiry for many years. It is the consensus of the medical and scientific communities that the time has come to apply the knowledge gained by applying it in real operational conditions.

That possibility is upon us. Thanks in part to the efforts of one of my constituents, Mr. Donald G. Oren, President of Dart Transit Company of Eagan, Minnesota, a feasibility test has been successfully concluded. This is an exciting development.

Recently, the Safety Research Center, Bethesda, Maryland, under the direction of its President, Tony McMahon, together with Stanford University's Sleep Disorders Clinic and Research Center undertook a scientific experiment. William C. Dement, M.D., Ph.D., Professor of Psychiatry and Behavioral Sciences at the Stanford University School of Medicine, and the director of the Stanford Sleep Disorders Clinic and Research Center, a long-time student of and author on sleep disorders, developed a two-phase approach to developing a solution to driver fatigue. The first is to test and treat individuals for sleep disorders and the second is to teach them how to manage fatigue.

Doctors and scientists researching sleep have found that drowsiness results from sleep debt, which is cumulative. There are only two ways to build up a sleep debt: inadequate amounts of sleep and excessively frequent interruption of sleep as occurs in the obstructive sleep apnea syndrome and the restless legs syndrome. According to the December 1996 Driver Fatigue and Alertness Study commissioned by the Federal Highway Administration, the two most important factors in driver fatigue are time of day and the amount and quality of sleep received.

At the Stanford Sleep Center, drivers from two trucking companies were screened, treated for sleep disorders and trained in how to recognize sleep debt and fatigue and what to do about it. On October 18, 2000, Dr. Dement announced the results of that feasibility study involving nine drivers from Dart Transit, of Eagan, Minnesota, and Star Transport, of Morton, Illinois. The drivers spent two separate sessions of three days each at the sleep research facility at Stanford. Dr. Dement's findings are that effective training will cause behavior change and fatigue avoidance.

The next step is to develop a pilot program, which the Federal Motor Carrier Safety Administration, FMCSA, will be asked to undertake. FMCSA possesses the authority to conduct such a pilot program. It will be conducted under strictly controlled exemptions to hours of service regulations.

I am told that Clyde Hart, Acting Administrator of FMCSA, believes the idea has merit and is willing to entertain a pilot program proposal. The program will be undertaken by the Safety Research Center, Bethesda, Maryland, and the Stanford Sleep Research Center. It will begin with approximately 40 drivers each from Dart and Star. Screened, treated and trained, they would be exempted from the hours of service regulations (but not total hours that can be driven) to provide maximum flexibility to the trained drivers in managing their time. These drivers would be compared to a control group operating under current hours of service regulations. Assuming that the operations generate positive data, the program would be expanded to other companies. Progress would be evaluated on an ongoing basis and at the end of the three-year program it should be apparent that fatigue management should be a regulatory alternative to current hours of service regulation.

This is a most welcome and exciting development. To bear out this conclusion, I ask unanimous consent that two items be included in the RECORD: Dr. Dement's remarks to the media and a recent article from Traffic World.

There being no objection the material was ordered to be printed in the RECORD.

REMARKS BY WILLIAM C. DEMENT, M.D., PH.D., DIRECTOR OF THE STANFORD UNIVERSITY SLEEP DISORDERS & RESEARCH CENTER

JOIN THE SAFE TEAM: THE POINT OF THE LANCE FOR A SAFER AND MORE ALERT AMERICA

At a press conference on Capitol Hill in January 1993, I had the privilege of reporting the results of the two-year study of Sleep in

America by the National Commission on Sleep Disorders Research. The Commission had determined that there were two gigantic problems in our society, pervasive and severe sleep deprivation in every component of society, and a pandemic of undiagnosed and untreated or misdiagnosed and mistreated sleep disorders. The Commission also emphasized vigorously that the root cause of these problems was a total lack of effective public and professional awareness about sleep. Indeed, one of the most urgent recommendations of the Commission to the U.S. Congress was to launch an effective and broad based national awareness campaign. Sadly, this did not happen for several reasons including the budget deficit.

During the period of the Commission study and in many of the years since, I have learned that attempting to alleviate the societal problems relating to sleep has a special difficulty. The absence of prior exposure to sleep education allows inappropriate skepticism about the facts of sleep, retention of erroneous mythologies about sleep, and extreme difficulty in mobilizing an adequately large community of advocates.

In the aftermath of the failure to launch an effective National Awareness Campaign, we have persisted in attempting to develop an alternative strategy. The main thrust has been to identify a much smaller community, which, if adequately educated and trained, might be a catalyst for a larger societal change. Efforts have been made by me and others to educate primary care physicians, high school students, airline personnel, railroad personnel, and a variety of other specific groups such as Olympic athletes, shift workers, and so on. None of the efforts to date have been adequately successful, particularly as a catalyst.

All of this is by way of introducing what I will report in today's conference. I believe we have the absolutely best group from every point of view. This is not entirely new because this group has been the focus of much attention in recent years, a fair amount of it entirely unwonted. The group in question is long haul truck drivers. We are here to announce the success of a feasibility trial and the intention to submit a fatigue management pilot program to the administrator of the Federal Motor Carrier Safety Administration. In summarizing the continuing lack of effective education and awareness in America about sleep in 1993, I said that 100 or so sleep disorders centers are islands of awareness in a vast sea of ignorance; too small in number and too dispersed to constitute a catalytic educational force. That situation is only slightly changed today. There are more islands, but the vast sea of ignorance remains.

As exemplified on the October 16, 2000, cover of US News and World Report in an article titled, ''Sleepless in America,'' our nation is carrying the largest sleep debt in history. Nearly every citizen has a bigger or smaller sleep debt. The question is why don't they know it. The reasons are as follows.

Most people don't know their personal sleep requirement.

Most people know nothing about sleep debt.

Most people don't understand the function of their circadian system (biological clock).

Most people don't know the significance of being tired all the time.

Most people know nothing about sleep disorders.

An extremely important principle is that there are two ways and only two ways to build up a sleep debt; inadequate amounts of sleep and excessively frequent interruption of sleep as occurs in the obstructive sleep apnea syndrome and the restless legs syndrome.

Sleep scientists have known these facts for more than two decades and have tried and tried to bring them effectively to the attention of key communities. One would think that learning these things would be a core part of many professional training programs, and if nowhere else, certainly in the transportation industry. Airline personnel need to know the principles of fatigue management, railroad personnel, maritime personnel, and the vast community of automobile drivers, but we have learned in our feasibility trial and I am now convinced, that the highest priority for intensive professional training regarding fatigue management should be long haul truck drivers. Of course, all drivers must have the ability to maintain attentive alertness while driving. However, the highest educational priority should be bestowed upon the community of long haul truck drivers who sit astride 40 tons of highly evolved and intricate machinery. In other modes of transportation, attentiveness every second is not required.

Thus, we propose a special program that involves (a) training to behavioral change and commitment and (b) screening for sleep disorders and ease of access for definitive diagnosis and effective treatment. Long haul drivers who are successful in completing this program will be transformed by sleep debt reduction and improved personal health, and they will become disciples seeking to recruit their fellow truckers.

Today, instead of what we are proposing, we have prescriptive hours of service which guarantee that there will be times when a driver must stop driving although he or she is fully alert. This may not be dangerous, but it is certainly frustrating. Unfortunately, the Hours of Service regulations also guarantee that there will be times when dangerously fatigued truck drivers can keep driving, sometimes for many hours. A typical scenario is that a driver must stop at a time when clock dependent alerting will not allow sleep. At the end of this period with very little rest, the driver is very tired but can now go for another 10 hours. If he chose instead to sleep, the rest period would be extended to 16 hours and his productivity would be greatly reduced.

Personally, I have wanted to carry out this type of intensive training with targeted personnel for more than 10 years. In 1990 and 91, we completed a study of 200 drivers and found that 75% of them had obstructive sleep apnea and that in interviews of more than 600, 82% said the signal to stop driving was ''falling asleep.'' Now, two visionary companies, Dart and Star, have stepped forward and have supported such a program with their own resources. We have completed a feasibility study with nine drivers and in my more than 30 years as an educator, this was one of the best teaching experiences we have ever had. Initially, I was uncertain that we could accomplish the desired result in this community. I insisted on an adequate opportunity, which consisted of an initial three full days of education and training together with sleep disorders screening, diagnosis, and most importantly, treatment. Then three full days of additional education, review, and evaluation one month later. In brief, at the second session we learned that the prior training and screening had been successful beyond our wildest dreams. The fatigue of this group was greatly reduced; the success of CPAP treatment had a double impact because spouses experienced great relief. Finally, I believe that our initial group of drivers is now completely safe, feel much better, and have substantially improved cardiovascular health. They are the vanguard of a new breed of long haul trucker, and on their own initiative, they have named themselves ''The SAFE TEAM'' which stands for Sleep and Fatigue Experienced Truckers Educating America's Motorcarriers. I also believe that long-haul truckers will be the vanguard of educating our entire society.

We are ready and eager to go forward with a formal pilot project and will seek approval of the Office of Federal Motor Carrier Safety Administration. We will put in place technology to monitor SAFE TEAM drivers and to insure that waiver of hours of service and the essential flexibility is not abused. I see no likelihood of the latter because of the commitment of these drivers to safety, but political issues make it necessary.

The intense interaction of the Stanford group which includes SleepQuest and the School of Sleep Medicine as partners in the Stanford University Center of Excellence, the Safety Research Institute, and above all, the pioneering group of drivers revealed and clarified what will surely become the theme of the pilot project and beyond. Fatigue management education is the missing piece in the training of professional drivers. This is why the sleep training was embraced by the drivers and their companies and why we can predict that it will eventually be enthusiastically embraced throughout the entire long haul trucking industry.

[From Traffic World, Oct. 30, 2000]

ENLIGHTENED SELF-INTEREST

(By Frank N. Wilmer)

PILOT PROGRAM WOULD TEACH FATIGUE MANAGEMENT, PERMIT DRIVERS TO SET THEIR OWN WORK-REST CYCLES

When the shipment absolutely positively has to be there on time, perhaps the truck driver should take a nap. That's the opinion of Stanford University sleep scientist William Dement and safety consultant and former Federal Highway Administration chief counsel Anthony McMahon. They say drivers properly trained in fatigue management are more productive, more alert and safer. They also make more informed decisions on when to drive and when to rest than bureaucrats who prescribe a one-size-fits-all model.

Dement and McMahon intend to ask the Federal Motor Carrier Safety Administration to authorize a three-year pilot program under which prescriptive hours-of-service regulations would be scrapped temporarily in favor of enlightened self-interest by up to 80 drivers who successfully complete Dement's fatigue-management course. Where federal regulations now mandate a relatively inflexible driving schedule, the Dement-McMahon proposal would permit drivers to determine, within limits, when they are alert and able to drive safely.

The drivers' dispatchers as well as members of the drivers' families also would receive fatigue management training and drive time behind the wheel would be monitored electronically. McMahon said the pilot program, whose details would be fleshed out in collaboration with the FMCSA, likely would limit drivers to the same maximum 70 hours of driving time within eight consecutive days as now exist. But drivers would have greater flexibility to devise how they accumulate those 70 hours of driving time.

The proposed pilot program would involve Dart Transit of Eagan, Minn., which utilizes

owner-operators, and Star Transport of Moton, Ill., which employs its own drivers. Dart CEO Glenn Werry and Star CEO Donald Oren have pledged to pay the costs of the pilot program, said McMahon.

''The experience at Stanford proves to me we can create a cadre of drivers who understand how sleep really works and will use new knowledge to drive more safely, reduce the dangers to themselves and others and improve their quality of life on and off the road,'' said Dement, a medical doctor who also holds a Ph.D. in neurophysiology.

The Dement-McMahon proposal is the first entrepreneurial approach to what has become a furious battle between the FMCSA and the trucking industry on how to revise arguably outdated safety regulations that prescribe the maximum number of hours commercial drivers may be behind the wheel.

An April FMCSA reform proposal would limit daily driving time to 12 hours, mandate 10 continuous hours of daily rest, prescribe up to four workday breaks totaling two hours and prohibit drivers from being behind the wheel for up to 56 consecutive hours each seven-day period even if it stranded them at truck stops.

The American Trucking Associations, which estimates the FMCSA's proposed hours-of-service revision could increase universities cloning the training program, said Dement.

Dart's Oren, who already sent some drivers through Dement's fatigue management course, said they previously ''didn't worry'' about how they spent their time before getting behind the wheel, but now ensure they do not have alertness-depriving ''sleep debt'' before driving. ''It has become a way of life for them.'' said Oren.

FMCSA Acting Deputy Administrator Clyde Hart and ATA President Walter McCormick each told Traffic World they hadn't seen the proposal and thus could not comment.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today, December 5, 1999:

Trennell Alston, 26, Baltimore, MD; Georges Ronnell Barnes, 29, Baltimore, MD; Mary Collien, 51, Baltimore, MD; Gilbert Gallegos, 76, Salt Lake City, UT; Donta Henson, 18, Chicago, IL; Nathan Hornes, 36, Oakland, CA; Makisha Jenkins, 18, Baltimore, MD; Christopher Jones, 17, Washington, DC; Greg Karavites, 38, Denver, CO; Jill Lundstrom, 25, Miami-Dade County, FL; Johnny Manning, 29, Minneapolis, MN; Mary Matthews, 39, Baltimore, MD; Bertess Montgomery, 87, Memphis, TN; Ramiro Peredez, 34, Atlanta, GA; Lionel Robinson, 23, Baltimore, MD; Patrick Michael Smith, 21, Washington, DC; Levanna Spearman, 23, Baltimore, MD; Alan Villarreal, 23, Houston, TX; Unidentified Male, Newark, NJ; and Unidentified Male, Newark, NJ.

Five of the people I mentioned were the victims of what has been described as one of the worst mass killings in Baltimore history. Mary McNeil Matthews; her mother, Mary Helen Collien; her daughter, Makisha Jenkins; and two family friends, Trennell Alston and Lavanna Spearman; were killed one year ago today by four men who burst into Mary McNeil Matthews' home and shot all five women.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

ENSURING TRAFFIC SAFETY—H.R. 5164

Mr. McCAIN. Mr. President, in the weeks since Congress passed H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation Act, and it was signed into law by the President, questions have been raised by some of my colleagues about the impact of the bill on small business. I want to make clear my intentions toward small manufacturers in passing this legislation.

Obviously, the bill is not intended to result in burdensome and ineffective regulations on small businesses or any size business for that matter. I would expect the Department of Transportation in establishing the regulations under the bill to go through the normal analysis required under existing law to ensure that regulations are not overly burdensome but are effective in advancing the cause of safety.

Let me be clear, however, the primary purpose of this bill and the Department of Transportation is to ensure the safety of the traveling public. No priority can or should be higher as the agency crafts these new regulations. I hope this responds to any concerns my colleagues may have about the provisions of the bill.

Mr. BOND. I thank the Senator and agree without reservation that the purpose of this legislation is to increase safety on the highways. No one in the small business community supports allowing defective auto parts or automobiles to be allowed on the road. After all, small businesses, their employees, and their owners are some of the drivers of the vehicles that would be identified under this law, and they are the other drivers on the road with these vehicles. They care as much as anyone else about highway safety. Without question, the safety of our roadways is one of our highest priorities.

I would just like to add one clarification. When the Department of Transportation promulgates the regulations required by this act, it is required under the Small Business Regulatory Enforcement Fairness Act (SBREFA) to determine whether the regulations will have ''a significant economic impact on a substantial number of small entities.'' If the regulations rise to that level, the Department is required to conduct an initial regulatory flexibility analysis and a final regulatory flexibility analysis as described in SBREFA so that the impacts on small businesses can be identified and better understood. None of the requirements under SBREFA are intended to, or have been shown to, interfere in any way with an agency's regulatory objectives. In this case they would not impede, in any way, the Department of Transportation's ability to provide the maximum safety improvement on the highways as mandated under the TREAD Act.

This is the current law and is consistent with the provision in the TREAD Act which prohibits the Department of Transportation from issuing unnecessarily burdensome regulations. I just want to make it clear that we will be watching closely to make sure that the Department of Transportation adheres to the mandates of SBREFA.

DEPARTMENT OF ENERGY'S OFFICE OF SCIENCE

Mr. BINGAMAN. Mr. President, I rise today to address the importance of the Department of Energy's Office of Science, the nation's leading source for fundamental research in the physical sciences for the areas of physics, chemistry, and materials science, and a significant contributor to the biological sciences. Besides funding the individual researcher, the Office of Science leads our nation in providing specialized large user R&D facilities. A partial list of such facilities would include the Stanford Linear Accelerator, the Center for the Microanalysis of Materials at the University of Illinois, The Los Alamos Neutron Science Center, the High Flux Isotope Reactor at Oak Ridge, the high energy accelerators at the Fermilab and the National Synchrotron Light Source at the Brookhaven National Laboratory. These user facilities are national treasures. One cannot over emphasize their importance. They are used by not only university researchers from all 50 states but by industry in both the biological and physical sciences. In 1999, there were 5500 users on just the large light sources alone to investigate new structures of matter in both the biological and physical sciences. In the last four years, the number of biological researchers using these facilities has risen by a factor of four and now

accounts for 40 percent of all users. Each of these 5500 investigations on just the light sources alone generates new intellectual property—a dominant export in the 21st century global economy. In short, these facilities provide the critical basic R&D that industry cannot and will not fund directly, R&D that is crucial to maintaining the tremendous technological engine of growth that fuels our economy today.

I would like to point out that in the 106th Congress there was a large and successful bipartisan campaign in both the House and Senate to support the Office of Science's budget request for Fiscal Year 2001. However, the Office of Science's 2001 budget request only met the level of its 1990 budget as adjusted in year 2000 dollars. In comparison the overall federal R&D budget for the life sciences has increased by 45 percent in the same period. The trends in the neglect of funding for the Office of Science are deeply disturbing and are now beginning to influence the basic indicators of intellectual property generation. If one tracks the submissions by U.S. researchers in some of our most prestigious physics journals you'll find that in 1990 the United States commanded the lead of submissions at about 50 percent worldwide. In 1999 the submission rate has dropped to about 25 percent worldwide. The momentum at a national level in the physical sciences is one of decline. We should be disturbed by this trend—the physical sciences are the foundation of the microchip industry, the telecommunications industry, the transportation industry and the petrochemical industry. We are talking about what fuels our engine of U.S. economic growth—high technology and maintaining a commanding lead in a 21st century global economy.

As the 107th Congress gets ready to start, we must pay more attention to the Office of Science and the role that it plays as a generator of a high tech workforce, intellectual property and economic growth. The Office can play an important role in large multi-user facilities for the development of nanomaterials by developing techniques that can literally position groups of atoms to develop a whole new generation of microchip and structural materials. Leadership in such materials research will help maintain our world dominance in the telecommunications and transportation industries. Yesterday a bipartisan group of this body sent to the President a letter supporting a significant increase in the budget of the Office of Science in fiscal year 2002. This letter follows up on the support that these members expressed earlier this year during the appropriation process and presages a commitment of bipartisan support for the Office of Science in the 107th Congress. Mr. President, I ask unanimous consent that this letter be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BINGAMAN. Regardless of the final outcome of the Presidential election, it is my hope that both sides of the aisle will be able to come together next year on a strategy for the continued technological and economic competitiveness of the United States. I hope that support for the work funded by the Office of Science will be the cornerstone of that strategy.

EXHIBIT 1

UNITED STATES SENATE,
Washington, DC.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Thank you for joining us in providing strong support for the Department of Energy's Office of Science in this year's appropriation process. Together we have made great progress in advancing recognition of these critical scientific programs. Yet there remains much more that can be accomplished. Continued growth for these programs on par with that proposed for the National Institutes of Health (NIH) and National Science Foundation (NSF) is vital to continued advances in the fields DOE supports and to the training of future scientists and engineers to continue the tremendous advances that America brings to basic science and to the marketplace.

You are aware that the Department of Energy (DOE) is the leading source of federal support for the physical sciences in the nation. In the life sciences, the DOE initiated the Human Genome Program and co-manages this enormously important and promising effort with the National Institutes of Health. It also plays a leading role in supporting other biological sciences, environmental sciences, physics, chemistry, materials science, computer science, mathematics, and engineering. As a consequence, the DOE is responsible for a significant portion of federal R&D funding for scientists and students at our colleges and universities.

One of the primary responsibilities of DOE's Office of Science is to support large-scale specialized user facilities and large teams of scientists focused on national scientific priorities. This makes the Office of Science unique among, and complementary to, the scientific programs of other federal science agencies, including NIH and NSF. Each year over 15,000 sponsored scientists and students from academe, industry, and government—many funded by agencies other than the DOE—conduct cutting edge experiments at the Department's research facilities. DOE's investments in major facilities, smaller-scale user facilities, and in university-based laboratories not only sets it apart from other federal science agencies, but helps ensure that the nation maintains its world leadership across a broad range of scientific disciplines.

Economic experts maintain that today's unprecedented economic growth would not have been realized but for the substantial research investments by the public and private sectors over the past several decades. To maintain the tremendous advances that America brings to basic scientific research and into the marketplace, we need to continue to provide strong support for basic research across the scientific disciplines. Sound science policy also demands a balance between support of individual investigator driven science—such as that conducted by the NIH and NSF—and the maintenance and operation of major facilities, smaller specialized facilities, university based research facilities, and scientific teams such as those supported by DOE's Office of Science.

The appropriation of $3.19 billion for FY 2001 is only a start at addressing these challenges. Annual increases similar to NIH and NSF are needed and merited by the important and unique work being conducted by the DOE Office of Science. They would also build on the spirit of the Senate's passage of the Federal Research Investment Act (S. 296) which calls for doubling investment in civilian research and development efforts.

Support for increases in funding for the DOE Office of Science is critical if we are to attract and retain the best minds, support the construction and operation of modern scientific facilities, and continue to capitalize on the scientific vision that has been the trademark of the Office of Science for so many years. The budget request for FY 2002 is the logical place to continue this effort. We trust you agree and look forward to strengthening our scientific and technological capabilities in FY 2002 and beyond.

Sincerely,

Jeff Bingaman, Blanche L. Lincoln, Ron Wyden, Carl Levin, John F. Kerry, Frank H. Murkowski, Mike DeWine, Patrick Leahy, Ted Kennedy, Slade Gorton, Evan Bayh, Daniel K. Akaka, Paul Sarbanes, Herb Kohl, Patty Murray, John Edwards, Frank R. Lautenberg, John Breaux, Diane Feinstein, Barbara Boxer, Bill Frist, Fred Thompson.

INDIVIDUAL FISHING QUOTAS

Mrs. MURRAY. Mr. President, one of the most important issues we consider here in the U.S. Senate is how to balance our economic needs with our responsibility to conserve our natural resources.

I believe we can strike the right balance. With that hope, I'd like to talk about America's fisheries. In the Pacific Northwest, fishing is more than just a way of life. It is an important part of our economy and contributes to our region's culture.

Unfortunately, that way of life is becoming more difficult. Many fishing families are struggling because some fish stocks are at very low levels. For example, the West Coast salmon and groundfish and the Bering Sea/Aleutian Islands crab fisheries have declined dramatically in recent years. Washington's fishing families contribute to our economy and feed consumers both here and abroad, but too often they work within a system that threatens their safety and their livelihood. I've met with harvesters and processors from my region, and I've visited small towns in Washington state that depend on fisheries. The problems they face aren't limited to Washington state. They can also be seen in Alaska and other states.

In an effort to recover decreasing numbers of fish in our waters, fisheries managers have developed complex management systems to limit fishing. In some cases, our current policies encourage fishers to catch as many fish

as possible over a limited period of time. This creates a dangerous and inefficient ''race for fish'', which requires fishermen to venture out in bad weather. In fact, one of the most dangerous occupations for young people today is to work in the Bering Sea/Aleutian Island crab fishery. The ''race for fish'' is one way to manage fisheries in which too many fishermen are competing for too few fish. However, there are alternatives to this management approach.

I'm proud that there is a growing interest in an innovative management tool called individual fishing quotas. This creative approach uses the marketplace to encourage a safer, more productive, and more sustainable fishing industry. In some cases, it would be a significant improvement over the status quo.

Individual fishing quotas or IFQs would bring some regularity to what are currently short-lived, intense fishing seasons. Under this system, each participant in a fishery would be allocated a percentage of that season's total fish catch. Because they are guaranteed a certain amount of fish, fishermen wouldn't have to ''race for fish.'' They could stretch their fishing out over longer, more balanced fishing seasons.

I believe that individual fishing quotas can help fisherman, fisheries, conservation, and consumers. IFQs can help fishing families because boats won't need to go out in dangerous weather. In addition, because of the slower pace, fishermen would be less likely to lose fishing gear, a common problem in some fisheries. This new system can help fisheries because fishermen will be able to sell or lease quota. That means there will be fewer boats, which can mean cleaner, more efficient fisheries.

In addition, IFQs can improve conservation. In some cases when the fishery slows down, fishermen take better care of their catch and are more careful with bycatch. Let's look at just one example of how the speed of the current system hurts conservation. Currently, some North Pacific crabs that are too small to be caught legally end up trapped in crab pots. Under the race for fish, these pots are harvested so quickly that undersized crabs don't have time to escape. Under a slower fishery, those small crabs would have time to crawl out of the crab pots and grow to maturity, thereby helping to sustain the fishery into the future.

For consumers, IFQs mean they can enjoy fresh fish later in the seasons. For example, fresh halibut is now available more often as a result of a fish quota program put in place to manage halibut harvesting. Clearly, individual fishing quotas can be an effective management tool and can solve a lot of the problems facing fisheries today.

I'm pleased that many of my colleagues have expressed interest in IFQs. In fact, a number of members would like to see a national policy on IFQs developed. Since 1996, I've supported fish quotas and a national policy, and I reiterate my support again today.

But in the meantime, there are important steps we can take. When Congress reauthorized the Magnuson-Stevens Fishery Conservation and Management Act in 1996, Congress placed a four-year moratorium on new individual fishing quota programs. The moratorium on new quota programs expired on September 30, 2000. Now that this ban has expired, we should allow fishery management councils to develop additional fish quota programs. Councils should have the freedom to develop and implement these programs. I am not advocating that Councils be required to implement them, because individual fishing quota programs must be developed on a fishery-by-fishery basis. I do think, however, that individual quota programs should be available as one of the many management tools Councils may draw upon. I must add that all eight Councils have asked for this freedom and have asked for Congress to lift the moratorium.

However, I know that some members want to extend the moratorium. They don't want to allow some fisheries to go ahead with IFQs until there is a national policy in place. I understand and appreciate this perspective. I also recognize members of the environmental community would be more comfortable with such programs if a national policy were already in place. As I said, I support a national policy on these programs, and I look forward to working with my colleagues next year to develop one.

However, I would like to point out that all fishery management plans, including those that rely on quota programs, are required to meet the national standards already in the Act. Let me offer a few examples of these standards. Any fish quota program would have to meet National Standard 4, which prohibits conservation and management measures from discriminating between residents of different states. This standard also mandates that fishing privileges be allocated fairly and equitably, that they are calculated to promote conservation, and that they are carried out so that no entity shall have an excessive share. Any fish quota program would also have to meet National Standard 8, which requires such measures to take into account the importance of fishery resources to fishing communities. They would also have to meet National Standard 9, which requires measures to minimize bycatch, and National Standard 10, which addresses safety.

In addition, the Act requires all individual fishing quota programs approved on or after October 1, 2000, to meet several additional criteria. For example, these programs must be subject to review based on any future national policy and such revision may require reallocation of quota. These programs must also be effectively managed and enforced, which may require reliance on observers and/or cost-recovery fees. In addition, these criteria address the most contentious aspect of individual quota programs: the initial allocation of quota. The Act requires programs to ensure a fair initial allocation of quota, to prevent excessive control over quota, and to include a mechanism for entry-level fishermen, small vessel owners and crew members to access quota. I think all of these examples illustrate that some elements integral to a national policy on individual fishing quota programs are already included in the Act. I believe we are much closer to having a national policy in place than some people may believe.

Unfortunately, it appears likely that the moratorium will be extended. Therefore, I ask my colleagues to consider several caveats to this extension. First, I ask that the moratorium be extended for only 8 months. This will take the moratorium off the appropriations cycle. Placing the moratorium on the yearly appropriations cycle creates a precedent that is easy to repeat every year. Taking the moratorium off the appropriations cycle will increase the urgency for Congress to develop a national policy within the months ahead.

Second, I ask for an exception to the moratorium for fixed-gear sablefish along the West Coast. This fishery is ready for fishermen to be allowed to consolidate permits, which is technically considered an IFQ. In fact, the fishery has been ready to do so since 1994. We should not make these fishermen wait any longer. They deserve to be freed from a 9-day race for fish, and fishermen who want to get out of the fishery should be compensated for their investments. I ask for your support for this exception.

Third, I support asking NMFS to gather input from the eight regional Councils on a national policy for individual fishing quotas. It is appropriate and important for Congress to have this input before we finalize a national policy on quota programs.

Most important, however, I ask for the commitment of my colleagues to deal with this issue next year, during the first session of the 107th Congress. It is not fair to punish those few fisheries that are ready to move forward with quota programs just because other fisheries are not. We have already had four years to resolve these issues, to no avail. If my colleagues believe this issue must be addressed within the broader context of Magnuson-Stevens Fishery Conservation and Management Act reauthorization, I understand and I hope they will consider

this Senator ready and willing to move forward with that challenge. I support Senator SNOWE's and Senator KERRY's efforts to hold more hearings on reauthorization, and I offer to help them in any way I can to ensure it happens.

Let's commit ourselves to have a productive, comprehensive dialogue on a national policy. Let's commit to reaching a consensus that will allow our Councils and fisheries to pursue this innovative, effective solution that can work for fishing families, fisheries, conservation and consumers.

RELIEF NEEDED FROM RISING PRESCRIPTION DRUG PRICES

Mr. JOHNSON. Mr. President, I rise today to review where we stand, near the conclusion of the 106th Congress, on the subject of prescription drugs. Few issues have caught the public's attention more than this one, and few are more deserving of our attention.

We live at a time when we can clearly discern remarkable benefits from all manner of drugs. It is nothing short of miraculous when we consider the relative ease and success of today's treatment of common disorders, as compared with that of only two or three generations ago.

When World War II began, for example, penicillin and other similar antibiotics were known only to a small number of scientists. At the conclusion of the War in 1945, penicillin was widely available, used not only for battle wounds but for infectious diseases in the general public as well. Patients with high blood pressure or high cholesterol levels were, at best, only partially and inadequately treated in the 1940's and 1950's. Now success is the rule, rather than the exception. Calvin Coolidge's son died in 1924 as a result of a blister and a skin infection after playing tennis at the White House. An infection like that today would be treated as simple, outpatient therapy.

While these examples are noteworthy and provide us with a valuable perspective of times gone by, the hard, cold fact is that many of these modern miracles are still out of the reach of too many American citizens. They simply cannot afford the drugs that might so often prove lifesaving, because of either no insurance or lack of drug coverage within their insurance.

Why is this? Because, astronomical prices have come hand-in-hand with the great improvements in drug therapy. Spending for prescription drugs in the United States doubled between 1990 and 1998. In each of the five years between 1993 and 1998, prescription drug spending increased by an average of 12.4 percent. In 1999, the increase was 19 percent. We could go into all the reasons, but the fact remains that prescription drug prices are high and getting higher.

Many millions of Americans, both Medicare age and younger have either inadequate or no prescription drug insurance at all. A by-product of no coverage is that these patients wind up paying the highest rates of anyone—an average of 15 percent more than those with insurance. Many of these uninsureds, including the seniors often called The Greatest Generation'' are not filling prescriptions because of their cost—choosing between food and medicine. Or they split pills in half to make them go farther. This is shameful. These are very real every day problems that beg for help.

So, given the fact of these well documented problems, what is the track record of this Congress in helping the citizens in my home state of South Dakota and the citizens of the United States? What do I tell my constituents back in Sioux Falls, or Custer, or Milbank when they ask me why nothing has been done to help them? I wish I could tell them that help is on the way. I wish I could tell them that the majority leadership heard their voices and scheduled the hearings and called for the votes. But, that just is not the case.

Early in this Congress, I introduced, along with Senator KENNEDY, the Prescription Drug Fairness for Seniors of Act of 1999''. This bill would provide Medicare beneficiaries access to prescription drugs at the same low prices that drug manufacturers offer their most favored customers, such as large insurance companies, HMO's, and the Federal Government. Without cost to the taxpayers, my proposal could save seniors approximately 40 percent on their drug bills, yet we did not see a vote on this floor.

Similarly, in May of this year, I introduced the Generic Pharmaceutical Access and Choice for Consumers Act''. This bill encourages the broader use of generics in Federal health programs, a straight-forward common sense approach, yet we did not see a vote on this floor.

Other measures that could have made a tremendous difference to millions of Americans also languished. This Congress should have passed a voluntary universal Medicare drug benefit plan. It did not.

This Congress should have addressed rising drug prices. It did not.

This Congress should have passed a truly strong and effective drug reimportation plan. It did not.

This Congress should have passed a generic drug access plan. It did not.

Mr. President, let me conclude by stating that these problems will not go away. Nor will my commitment for their resolution on behalf of the people of South Dakota and Americans across this country. The hope that this Congress will seriously address prescription drug costs and provide comprehensive Medicare drug coverage yet this year is all but an aspiration at this point. That being said, in a few months we will commence the 107th Congress. I will continue to do all that I can to work with my colleagues and urge the earliest possible discussions regarding prescription drugs in committee rooms and on the floor of the Senate. I believe this is the wish of most of the members in this body, as well as the wish and hope of the American people.

ADDITIONAL STATEMENTS

RECOGNITION OF RHODE B. (R.B.) CAUSEY, SR. AS ARKANSAS' 2000 PRIME TIME AWARD RECIPIENT

• Mrs. LINCOLN. Mr. President, in October, the Special Committee on Aging joined Green Thumb to recognize the enormous contributions that this year's Green Thumb ''Prime Time Award'' recipients are making to their community and our country.

The Senior Community Service Employment Program is one of the best kept secrets in the country. This program is an innovative and cost-effective federal initiative that allows our nation's seniors to remain productive and independent by contributing their talent and services to their communities.

Some of Arkansas' finest employment programs for seniors are sponsored by Green Thumb, and I am pleased to recognize Arkansas' 2000 Prime Time Award recipient, Rhode B. (R.B.) Causey, Sr.

R.B., now 96 years old, grew up in a family of 13 children and sold business supplies and office machines during the Depression. These experiences, coupled with his ingenuity, persistence, and strong work ethic, prepared R.B. to branch out on his own in 1952 and open a business supply company. Today, R.B. and his son own and operate the R.B. Causey Company in Little Rock.

As if going in to work every day wasn't enough to keep him busy, R.B. also manages his own farm where he produces soybean and rice crops. The farm is also home to his extensive beekeeping hobby.

R.B.'s recipe for success: ''Don't give up, stay involved, do something.'' provides a great example to all of us about the importance of staying active in our ''golden years.''

I am fortunate to know R.B. and other Arkansas senior workers who are so vibrant and enthusiastic about their jobs. I only hope that when I am 75, 80, or 85 I will have half of their energy and zest for life!

America's senior population has great value. They have earned our nation's respect and support. Green Thumb and other senior employment programs allow communities to continue to reap the wisdom of our nation's talented seniors citizens.•

TRIBUTE TO MS. JUDY ENGLAND-JOSEPH

• Mr. BOND. Mr. President, I rise today to honor Ms. Judy England-Joseph who retired from the General Accounting Office, GAO, this past March. Her departure from federal service is a great loss to the federal government as well as to all offices in the Senate. Judy was a superlative federal employee with a record of honesty and integrity as well as a commitment to a job well done.

Ms. England-Joseph had been with GAO since 1975 working on a number of important federal issues in the fields of personnel and compensation, human resources, and energy, to name a few. However, I think most of my colleagues would agree that Judy's most outstanding contributions came as the Director of Housing and Community Development Issues at GAO. As Director, she had the primary responsibility for overseeing for the Congress the audit and evaluation of all programs and activities at the Department of Housing and Urban Development, the Small Business Administration, and the Federal Emergency Management Agency, including those concerning housing, community and economic development, and federal disaster responsibilities.

As Chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies and the Committee on Small Business, I found Judy to be an invaluable resource for objective and timely information that was critical to fulfilling my responsibilities. Judy not only testified numerous times before my appropriations subcommittee and the Committee on Small Business, but also personally met with me and my staff to discuss pressing issues and provide us with the critical information needed to make policy decisions. Judy was more than a resource to my committees; I also viewed her as a teammate and partner who shared my goal of making government truly accountable and as efficient as possible.

To say that we miss Judy would be an understatement. Judy epitomized public service. Her energy was boundless, her knowledge of policy issues was rarely matched, and her commitment to doing the right thing underlined her approach to her job and responsibilities.

I am honored to have worked with Judy and commend her for the years of service she provided to the Congress and the American Taxpayer.•

DAVID BROWER

• Mrs. BOXER. Mr. President, today, I note with sadness the passing of David Brower, a great conservationist who died last month at his home in Berkeley, California. David Brower worked for more than half a century to preserve and protect the American landscape he loved so well. He served our nation in war and peacetime as a soldier, writer, and activist, and enriched the lives of many Americans.

Born in Berkeley in 1912, young David Brower learned to appreciate nature by guiding his blind mother on walks through the Berkeley hills. In the 1930s, he worked at Yosemite National Park and became a skilled mountaineer. During World War II he trained troops in climbing techniques, wrote the Army's alpine manual, and fought in northern Italy.

After the war he returned to California and volunteered at the Sierra Club, which was then a hiking organization with little involvement in public policy. After writing the first Sierra Club Manual, he became the club's first executive director in 1952. Under his leadership, the club's membership grew from 7,000 to 70,000 as it became the nation's leading environmental organization. After leading the Sierra Club for 17 years, Mr. Brower went on to found the Friends of the Earth and the Earth Island Institute, and he helped to establish the League of Conservation Voters.

During the 1950s and 1960s, Mr. Brower led the Sierra Club's successful efforts to block the construction of dams in Grand Canyon National Park and Dinosaur National Monument. He often said, half jokingly, that ''All I have been able to do in my career is to slow the rate at which things get worse.''

But in fact he made things better. David Brower was instrumental in the creation of Redwoods National Park, North Cascades National Park, and Cape Cod National Seashore as well as the passage of the Wilderness Act and establishment of the National Wilderness Preservation System.

Our Nation has lost a giant, but we must try to walk in his footsteps. David Brower's life and legacy will live as long as we continue to preserve, protect, and enjoy America's natural treasures.•

OUTSTANDING IDAHOAN

• Mr. CRAIG. Mr. President, I rise to congratulate Katie Kirkham, a high school sophomore from Century High School in Pocatello, ID. Katie represented Idaho's horse program at the National 4–H Congress in Atlanta, Georgia, on November 24–28, 2000. She was one of twelve teens in the nation honored with the responsibility of introducing a guest speaker at the event.

There are thousands of young people involved in 4–H in the state of Idaho. And as a former 4–H member myself, I take special pride in recognizing the 4–H program, which has been educating Idaho youth on agricultural issues for generations, and will continue to do so for generations to come. I congratulate Katie on her outstanding accomplishment.•

MESSAGES FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 5637. An act to provide that an amount available for fiscal year 2001 for the Department of Transportation shall be available to reimburse certain costs incurred for clean-up of former Coast Guard facilities at Cape May, New Jersey, and to authorize the Coast Guard to transfer funds and authority for demolition and removal of a structure at former Coast Guard property in Traverse City, Michigan.

H.R. 5640. An act to expand homeownership in the United States, and for other purposes.

H.J. Res. 126. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 1972. An act to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

S. 2594. An act to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of non-project water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

S. 3137. An act to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

The message further announced that the House has passed the bill (S. 1761) to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

At 3:05 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House Speaker has signed the following enrolled joint resolution:

H.J. Res. 126. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 2, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 11. An act for the relief of Wei Jingsheng.

S. 150. An act for the relief of Marina Khalina and her son, Albert Miftakhov.

S. 276. An act for the relief of Sergio Lozano.

S. 768. An act to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.

S. 785. An act for the relief of Frances Schochenmaier and Mary Hudson.

S. 869. An act for the relief of Mina Vahedi Notash.

S. 1078. An act for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.

S. 1513. An act for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

S. 2000. An act for the relief of Guy Taylor.

S. 2002. An act for the relief of Tony Lara.

S. 2019. An act for the relief of Malia Miller.

S. 2289. An act for the relief of Jose Guadalupe Tellez Pinales.

S. 2413. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2547. An act to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes.

S. 2712. An act to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

S. 2915. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 3194. An act to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the ''Robert S. Walker Post Office.''

Under authority of the order of the Senate of January 6, 1999, the enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 3, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1670. An act to revise the boundary of Fort Matanzas National Monument, and for other purposes.

S. 1880. An act to amend the Public Health Service Act to improve the health of minority individuals.

S. 1936. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 2020. An act to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

S. 2440. An act to amend title 49, United States Code, to improve airport security.

S. 2485. An act to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

S. 2773. An act to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

S. 2789. An act to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 3164. An act to protect seniors from fraud.

S. 3239. An act to amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees.

H.J. Res. 84. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.J. Res. 124. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the enrolled bills and joint resolutions were signed subsequently by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 14, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 2346. An act to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

H.R. 4986. An act to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

H.J. Res. 125. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the enrolled bills and joint resolutions were signed subsequently by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 14, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5633. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 15, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 5633. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 4, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 2796. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on December 5, 2000, he had presented to the President of the United States, the following enrolled bill:

S. 2796. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11509. A communication from the Under Secretary of Commerce For Intellectual Property and Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Unlocatable Patent Application and Patent Files'' (RIN0651–AB19) received on November 13, 2000; to the Committee on the Judiciary.

EC–11510. A communication from the Rules Administrator of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Inmate Discipline: Prohibited Acts'' (RIN1120–AA78) received on November 13, 2000; to the Committee on the Judiciary.

EC–11511. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report relative to the Omnibus Rate Case R2000–1; to the Committee on Governmental Affairs.

EC–11512. A communication from the Special Counsel, transmitting, pursuant to law, a report for fiscal year 2000; to the Committee on Governmental Affairs.

EC–11513. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to the

Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–11514. A communication from the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the combined annual report; to the Committee on Governmental Affairs.

EC–11515. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report relative to fiscal year 2000 activities; to the Committee on Governmental Affairs.

EC–11516. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, a report relative to audit and investigative coverage; to the Committee on Governmental Affairs.

EC–11517. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report relative to fiscal year 2000; to the Committee on Governmental Affairs.

EC–11518. A communication from the Acting Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report relative to fiscal year 2000; to the Committee on Governmental Affairs.

EC–11519. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Angling Category; Retention Limit Adjustment'' (I.D. 101700B) received on November 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11520. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Quota Harvested for Period 2'' received on November 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11521. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Fisheries of the Northeastern United States; Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2000 Specifications'' (RIN0648–AN53) received on November 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11522. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Monticello, IA; docket no. 00–ACE–5 [4–11/11–2]'' (RIN2120–AA66) (2000–0266) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11523. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Lockheed Model 11–1011–385 Airplanes; docket no. 98–NM–35 [10–20/11–13]'' (RIN2120–AA64) (2000–0544) received on November 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11524. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Model DH 125, Series 800A and Hawkins 800 Series Airplanes; docket no. 99–NM–376 [10–30/11–13]'' (RIN2120–AA64) (2000–0546) received on November 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11525. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Compressed Natural Gas Fuel Container Integrity; Final rule petitions for reconsideration'' (RIN2127–AH94) received on November 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11526. A communication from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Commission's Rules Regarding the 37.0–38.6 GHz and 38.6–40.0 GHz Bands, ET Docket No. 95–183, Implementation of Section 309(j) of the Communications Act — Competitive Bidding, 37.0–38.6 and 38.6–40.0 GHz Bands, PP Docket No. 93–253'' (FCC99–179, ET Dock. 95–183) received on November 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11527. A communication from the Administrator, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report entitled ''Fundamental Properties of Asphalts and Modified Asphalts—II''; to the Committee on Environment and Public Works.

EC–11528. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Changes to the Unplanned Scram and Unplanned Scram with Loss of Normal Heat Removal Performance Indicators'' (NRC Regulatory Issue Summary 2000–21) received on November 13, 2000; to the Committee on Environment and Public Works.

EC–11529. A communication from the Acting Director of the Division of Endangered Species, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Designation of Critical Habitat for the Tidewater Goby'' received on November 15, 2000 ; to the Committee on Environment and Public Works.

EC–11530. A communication from the Director of the Office of Congressional Affairs, Office of International Programs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Export and Import of Nuclear Equipment and Materials (10CFR Part 110)'' (RIN3150–AG51) received on November 16, 2000; to the Committee on Environment and Public Works.

EC–11531. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Final endangered status for a distinct population segment of anadromous Atlantic salmon (Salmon salar) in the Gulf of Maine'' (RIN1018–AF80) received on November 15, 2000; to the Committee on Environment and Public Works.

EC–11532. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Establishment of a Nonessential Experimental Population of Grizzly Bears in the Bitterroot Area of Idaho and Montana'' (RIN1018–AE00) received on November 16, 2000; to the Committee on Environment and Public Works.

EC–11533. A communication from the General Counsel-Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Annual Charges Assessed To Public Utilities , Docket No. RM00–7–000'' (RIN1902–AB02) received on November 13, 2000; to the Committee on Energy and Natural Resources.

EC–11534. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Irradiation in the Production, Processing and Handling of Food'' (Docket No. 99F–2673) received on November 9, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11535. A communication from the Director, Office of Federal Contract Compliance Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Government Contractors: Nondiscrimination and Affirmative Action Obligations, Executive Order 11246 (ESA/OFCCP)'' (RIN1215–AA01) received on November 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11536. A communication from the National Institute of Health Regulations Officer, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Traineeships'' (RIN0925–AA11) received on November 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11537. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted for Direct Addition to Food for Human Consumption; Sodium Stearoyl Lactylate'' (Docket No. 99F–3087) received on November 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11538. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Exemption From Federal Preemption of State and Local Cigarette and Smokeless Tobacco Requirements; Revocation'' (Docket No. 00N–1561) received on November 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11539. A communication from the Assistant Secretary, Office of Safety Standards Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Ergonomics Program'' (RIN1218–AB36) received on November 14, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11540. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Spanish Pure Breed Horses from Spain'' (Docket #00–109–1) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11541. A communication from the Congressional Review Coordinator, Animal and

Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Horses, Ruminants, Swine, and Dogs; Inspection and Treatment for Screwworm'' (Docket #00–028–1) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11542. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Cattle; State and Area Classifications; Louisiana'' (Docket #99–052–2) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11543. A communication from the Associate Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Changes in Fees for Voluntary Fruits and Vegetables, Processed Thereof, and Certain Other Processed Food Products, Regulations Governing Grading, Inspection and Certifications Services'' (RIN0581–AB85) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11544. A communication from the Associate Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Modoc and Siskiyou Counties, California, and in all Counties in Oregon, except Malheur County; Suspension of Handling, Reporting, and Assessment Collection Regulations'' (Docket #FV00–947–1 FIR) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11545. A communication from the Associate Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tomatoes Grown in Florida; Change in Size Designation'' (Docket #FV00–966–1 IFR) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11546. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenhexamid; Pesticide Tolerances for Emergency Exemptions'' (FRL #6752–4) received on November 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11547. A communication from the Secretary of the Department of the Air Force, transmitting, pursuant to law, a report relative to a cost comparison to reduce the cost of the Civil Engineering functions; to the Committee on Armed Services.

EC–11548. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations 65 FR 64380 10/27/00'' received on November 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11549. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations 65 FR 64386 10/27/00'' received on November 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11550. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 65 FR 64372 10/27/00'' (FEMA Doc. #B–7400) received on November 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11551. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 65 FR 64378 10/27/00'' (FEMA Doc. #B–7402) received on November 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11552. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 65 FR 64374 10/27/00'' (FEMA Doc. #B–7402) received on November 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11553. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''VA Payment for Non-VA Public or Private Hospital Care and Non-VA Physician Services that are Associated with Either Outpatient or Inpatient Care'' (RIN2900–AK57) received on November 13, 2000; to the Committee on Veterans' Affairs.

EC–11554. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Miscellaneous Montgomery GI Bill Eligibility and Entitlement Issues'' (RIN2900–AJ90) received on November 13, 2000; to the Committee on Veterans' Affairs.

EC–11555. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weisbart v. U.S. Dept of Treas. and IRS'' received on November 13, 2000; to the Committee on Finance.

EC–11556. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the selected acquisition reports for the quarter ending September 30; to the Committee on Armed Services.

EC–11557. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Fire Protection Engineering Functional Area Qualification; DOE Defense Nuclear Facilities Technical Personnel'' (DOE–STD–1137–2000) received on November 13, 2000; to the Committee on Armed Services.

EC–11558. A communication from the Assistant General Counsel for Regulatory Law, Office of Defense Programs, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Criteria for Packaging and Storing Uranium–233–Bearing Materials'' (DOE–STD–3028–2000) received on November 13, 2000; to the Committee on Armed Services.

EC–11559. A communication from the Acting Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to each military treatment facility; to the Committee on Armed Services.

EC–11560. A communication from the Assistant General Counsel for Regulatory Law, Office of Defense Programs, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Planning and Conduct of Operational Readiness Reviews (OOR)'' (DOE–STD–3006–2000) received on November 13, 2000; to the Committee on Energy and Natural Resources.

EC–11561. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Industrial Hygiene Functional Area Qualification Standard; DOE Defense Nuclear Facilities Technical Personnel'' (DOE–STD–1138–2000) received on November 13, 2000; to the Committee on Energy and Natural Resources.

EC–11562. A communication from the General Counsel of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Collaborative Procedures for Energy Facility Applications'' (Docket Nos. RM98–16–000 and RM98–16–001) received on November 17, 2000; to the Committee on Energy and Natural Resources.

EC–11563. A communication from the Deputy Chief for the National Forest System, Department of Agriculture, transmitting, pursuant to law, the report relative to the detailed boundary maps for McKenzie and North Fork of the Middle Fork of the Willamette on the Willamette National Forest, and the North Umpqua on the Umpqua National Forest; to the Committee on Energy and Natural Resources.

EC–11564. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Texas Regulatory Program'' (TX–047–FOR) received on November 27, 2000; to the Committee on Energy and Natural Resources.

EC–11565. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Colorado Regulatory Program'' (CO–032–FOR) received on November 27, 2000; to the Committee on Energy and Natural Resources.

EC–11566. A communication from the Assistant Secretary of the Interior, Bureau of Land Management, Department of Interior, transmitting, pursuant to law, the report of a rule entitled ''Mining Claims Under the General Mining Laws: Surface Management'' (RIN1004–AD23) received on November 27, 2000; to the Committee on Energy and Natural Resources.

EC–11567. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units'' (FRL #6905–1) received on November 17, 2000; to the Committee on Environment and Public Works.

EC–11568. A communication from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, pursuant to law, a report relative to Roosevelt Inlet-Lewes Beach, Delaware; to the Committee on Environment and Public Works.

EC–11569. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, a report relative to the required explanation concerning the recently adopted final component of PCA; to the Committee on Banking, Housing, and Urban Affairs.

EC–11570. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report on state reciprocal subpoena enforcement laws; to the Committee on Banking, Housing, and Urban Affairs.

EC–11571. A communication from the General Counsel of the National Credit Union

Administration, transmitting, pursuant to law, the report of a rule entitled ''12 C.F.R. 701 Organization and Operation of Federal Credit Union'' received on November 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11572. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC–11573. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood elevation Determinations 65 FR 68919 11/15/2000'' (Doc. #FEMA–B–7328) received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11574. A communication from the Assistant to the Board, Board of Governor of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation Z (Truth in Lending)'' received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11575. A communication from the Assistant to the Board, Board of Governor of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Consumer Protections for Depository Institution Sales of Insurance; Amendments to Regulation H—Membership of State Banking Institutions in the Federal Reserve System'' (Docket No. R–1079) received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11576. A communication from the Secretary of the Division of Market Regulation, U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Exchange Act Rule 11Ac1–7 (Trade-Through Disclosure Rule) and amendments to Exchange Act Rule 11Ac1–1 (Quote Rule)'' received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11577. A communication from the Secretary of the Division of Market Regulation, U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule 11Ac1–5 and Rule 11Ac1–6 under the Securities Exchange Act of 1934 relating to disclosure of order execution and routing practices'' (RIN3235–AH95) received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11578. A communication from the Secretary, Office of the Chief Accountant, U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions of the Commission's Auditor Independence Requirements'' (RIN3235–AH91) received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11579. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Technical Updating Amendments and Correction to Certain Executive Branch Regulations of the Office of Government Ethics'' (RIN3209–AA00 and 3209–AA04) received on November 14, 2000; to the Committee on Governmental Affairs.

EC–11580. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on November 17, 2000; to the Committee on Governmental Affairs.

EC–11581. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to the Inspector General Act and the Federal Managers' Financial Integrity Act, the annual report; to the Committee on Governmental Affairs.

EC–11582. A communication from the Director of the Woodrow Wilson Center, transmitting, pursuant to the Inspector General Act and the Federal Managers' Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–11583. A communication from the Chair of the Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to the Inspector General Act and the Federal Managers' Financial Integrity Act, a consolidated report; to the Committee on Governmental Affairs.

EC–11584. A communication from the Chairman of the Commission for the Preservation of America's Heritage Board, transmitting, pursuant to the Inspector General Act and the Federal Managers' Financial Integrity Act, a consolidated report for fiscal year 2000; to the Committee on Governmental Affairs.

EC–11585. A communication from the Chairman of the Securities and Exchange Commisison, transmitting, pursuant to the Government in the Sunshine Act, the annual report for calendar year 1999; to the Committee on Governmental Affairs.

EC–11586. A communication from the Staff Director of the Commission on Civil Rights, transmitting, pursuant to law, the second annual Commercial Activities Inventory Report; to the Committee on Governmental Affairs.

EC–11587. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to the Inspector General Act, the annual report; to the Committee on Governmental Affairs.

EC–11588. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on November 17, 2000; to the Committee on Governmental Affairs.

EC–11589. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to the Federal Managers' Financial Integrity Act, a consolidated annual report; to the Committee on Governmental Affairs.

EC–11590. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on November 27, 2000; to the Committee on Governmental Affairs.

EC–11591. A communication from the Executive Director of the Morris K. Udall Foundation, transmitting, pursuant to the Inspector General Act and the Federal Managers' Financial Integrity Act, the annual report; to the Committee on Governmental Affairs.

EC–11592. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to the Inspector General Act , the report for the six-month period ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11593. A communication from the Acting Executive Vice President , Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR 1424, Bioenergy Program'' (RIN0560–AG16) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11594. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cranberries Grown in States of Massachusetts, et al.; Increases Assessment Rate'' (Docket Number: FV00–929–4 FIR) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11595. A communication from the Director of the Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Department of Agriculture Priorities and Administrative Guidelines for Donation of Excess Research Equipment'' (RIN0599–AA06) received on November 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11596. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: Noncitizen eligibility and Certification Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996'' (RIN0584–AC40) received on November 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11597. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, the annual Horse Protection Enforcement Report; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11598. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations'' (Docket #99–092–1) received on November 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11599. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit'' (Docket Number: FV00–905–4 FIR) received on November 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11600. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law , the report of a rule entitled ''To amend 31 CFR Part 306—General Regulations Governing U.S. Securities and 31 CFR Part 356—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes and Bonds (Department of the Treasury Circular, Public Debt Series No. 1–93) received on November 9, 2000; to the Committee on Finance.

EC–11601. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 2000–48 Year 2001 Standard Mileage Rates'' (Rev. Proc. 2000–48) received on November 16, 2000; to the Committee on Finance.

EC–11602. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Comprehensive Case Resolution Pilot Notice'' (Notice 2000–60, 2000–49 I.R.B) received on November 17, 2000; to the Committee on Finance.

EC–11603. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Trusts Not Considered Individuals for Purposes of Section 935'' (Notice 2000–61; OGI–123236–00) received on November 27, 2000; to the Committee on Finance.

EC–11604. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual covered compensation tables'' (Revenue Ruling 2000–53) received on November 27, 2000; to the Committee on Finance.

EC–11605. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the strategic plan for fiscal year 2000 through fiscal year 2005; to the Committee on Finance.

EC–11606. A communication from the Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, a report relative to danger pay allowance for Albania; to the Committee on Foreign Relations.

EC–11607. A communication from the Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, a report relative to nuclear nonproliferation in South Asia; to the Committee on Foreign Relations.

EC–11608. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–11609. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Polymers'' (Docket No. 93F–0319) received on November 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11610. A communication from the Director, Employment Standards Administration, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Predetermination of Wage Rates (29 CFR Part 1); Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction and to Certain Nonconstruction Contracts (29 CFR Part 5)'' (RIN1215–AA94) received on November 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11611. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: International Aero Engines AG (IAE) V2500–A5 and D–5 Series Turbofan Engines Docket No. 2000–NE–21, Amdt. 39–11953: AD 2000–22–07 [11–2–11–16]'' (RIN2120–AA64) (2000–0547) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11612. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Final Rule; request for comments: Boeing Model 747–100, 200B, 200C, 200F, and 300 Series Airplanes Delivered in or modified into the stretched Upper Deck Configuration; Docket No. 2000–NM–136–AD ; Amdt 39–11962; AD 2000–22–15 [11–7–11–16–00]'' (RIN2120–AA64) (2000–0548) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11613. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Request for comments; Robinson Helicopter Company model R22 Helicopters; Docket No. 2000–SE–51AD [11–7–11–16–00]'' (RIN2120–AA64) (2000–0549) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11614. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney JT8D–200 Series Turbofan Engines Docket No. 98–ANE–43–AD, Admt. 39–11939; AD 2000–21–07 [11–2–11–16–00]'' (RIN2120–AA64) (2000–0550) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11615. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney PW 2000—Series Turbofan Engines (correction) Docket No. 98–ANE–61–AD, Admt. 39–11941; AD 2000–21–09 [11–2–11–16–00]'' (RIN2120–AA64) (2000–0551) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11616. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney JT8D Series Turbofan Engines Docket No. 98–ANE–48–AD, Admt. 39–11940; AD 2000–21–08 [11–2–11–16–00]'' (RIN2120–AA64) (2000–0552) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11617. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100, 200, 200C, 300, 400 and 500 Series Airplanes Docket No. 99–NM–69AD; Admt. 39–11906; AD 200–19–05. [11–1–11–16]'' (RIN2120–AA64) (2000–0553) received on November 16, 2000 ; to the Committee on Commerce, Science, and Transportation.

EC–11618. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Final Rule Fokker Model F.28 mark 0100 Series Airplanes; Docket No. 2000–NM–17AD; Admt. 39–11944; AD 2000–21–12 [11–15–11–16]'' (RIN2120–AA64) (2000–0555) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11619. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: British Aerospace (Jetstream) Model 4101 Airplanes Docket No. 2000–NM–152–AD; Admt. 39–11963; AD 2000–22–16 [11–8–11–16–00]'' (RIN2120–AA64) (2000–0556) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11620. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–9–10, 20, 30, 40, and 50 Series Airplanes and C–9 (Military) Airplanes. Docket No. 2000–NM–04, AD Admt. 39–11961; AD 2000–22–14 [11–8–11–16–00]'' (RIN2120–AA64) (2000–0557) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11621. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes Docket No. 2000–NM–130–AD, Admt. 39–11954; AD 2000–22–08. [11–6–11–16–00]'' (RIN2120–AA64) (2000–0558) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11622. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Final Rule; SOCATA—groupe Aerospatiale Models MS880B, MS 885, MS 892A–150, MS 893E, MS894A, MS894E, Rallye 100S, Rallye 150T , Rallye150ST, Rallye 235C, and Rallye 235E Airplanes; Docket No. 2000–CE–34–AD [11–14–11–16–00]'' (RIN2120–AA64) (2000–0559) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11623. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Final Rule; request for Comments; McDonnell Douglas Model DC–9–10, 9–20, 9–30, 9–40, and 9–50 Series Airplanes; Docket No. 2000–NM–344–AD, Admt. 39–11968; AD 2000–22–20 [11–14–11–16]'' (RIN2120–AA64) (2000–0560) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11624. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model SA330F, G, and J helicopters: Docket No. 2000–SW–14–AD [11–14–11–16–00]'' (RIN2120–AA64) (2000–0561) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11625. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: CFE Company Model CFE738–1–1B Turbofan Engines Docket No. 98–ANE–69–AD, Admt. 39–11982; AD 2000–23–12 [11–14–11–16–00]'' (RIN2120–AA64) (2000–0562) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11626. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Final Rule; request for Comments; bombardier Model CL–600–2B16 (CL–604) Series Airplanes; Docket No. 2000–NM–315–AD Admt. 39–11972; AD2000–23–02 [11–14–11–16–00]'' (RIN2120–AA64) (2000–0563) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11627. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Final Rule; Aerospatiale Model ATR42–500 Series Airplanes ; Docket No. 2000–NM–26, AD Admt. 39–11974; AD2000–23–04 [11–14–11–16–00]'' (RIN2120–AA64) (2000–0564) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11628. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Models A310 and A300–600 Series Airplanes; Docket No. 2000–NM–114–AD Admt. 39–11978: AD2000–23–08 [11–15–11–16–00]'' (RIN2120–AA64) (2000–0565) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11629. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Request for Comments; bell Helicopter textron, inc.—manufactured model OH–13E, OH–13H, and OH–13S Helicopters; Docket No. 2000–SW–36–AD [11–15–11–16–00]'' (RIN2120–AA64) (2000–0566) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11630. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Final Rule; Empresa Brasileira de Aeronautica SA. (AMBRAER) Model EMB–120 Series Airplanes; Docket No. 2000–NM–121–AD; Admt. 39–11958: AD2000–22–12 [11–15–11/16–00]'' (RIN2120–AA64) (2000–0567) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11631. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls–Royce Spey 555–15, –15H, –15N, and –15P Turbofan Engines. Docket No. 2000–NE–03–AD Admt. 39–11981: AD2000–23–11 [11–15–11–16–00]'' (RIN2120–AA64) (2000–0568) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11632. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Final Rule; request for comments; Boeing model 737 Series Airplanes; Docket No. 2000–NM–325–AD Admt. 39–11948: AD2000–22–02 [11–16–11–20]'' (RIN2120–AA64) (2000–0570) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11633. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney JT9D Series Turbofan Engines Docket No. 99–NE–25, Admt. 39–11986; AD 2000–23–14 [11–20–11–20]'' (RIN2120–AA64) (2000–0571) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11634. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aerospatiale model ATR–42 and ATR–72 Series Airplanes Docket No. 98–NM–259–AD Admt. 39–11989; AD 98–09–16Ri [11–17–11–20]'' (RIN2120–AA64) (2000–0573) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11635. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Israel Aircraft Industries, Ltd., Model 1121, 1121A, 1121B , 1123, 1124, and 1124A Series Airplanes; Docket No. 2000–NM–364AD Admt. 39–11985; AD 2000–23–13 [11–17–11–20]'' (RIN2120–AA64) (2000–0574) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11636. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (61): Amdt. No. 2018 [11–2–11–16–00]'' (RIN2120–AA65) (2000–0054) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11637. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (14); Amdt. No. 2017 Docket No. 30210 [11–2–11–16–00]'' (RIN2120–AA65) (2000–0055) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11638. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Modification of Class E Airspace; Willits, CA Docket No. 00–AWP–8 [11–2–11–16]'' (RIN2120–AA66) (2000–0269) received on November 16, 2000 ; to the Committee on Commerce, Science, and Transportation.

EC–11639. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class D Airspace, Robert Gray Army Airfield, TX. Docket No. 2000–ASW–18 [11–3–11–16]'' (RIN2120–AA66) (2000–0271) received on November 16, 2000 ; to the Committee on Commerce, Science, and Transportation.

EC–11640. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Atlanta, TX Docket No. 2000– ASW–19 [11–13–11–16]'' (RIN2120–AA66) (2000–0272) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11641. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amends Class D and Class E4 Airspace; Gainesville, FL Docket No. 00–ASO–35 [11–13–11–16–00]'' (RIN2120–AA66) (2000–0273) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11642. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amends Class D Airspace; Kissimmee FL, Docket No. 00–ASO–36 [11–13–11–16–00]'' (RIN2120–AA66) (2000–0274) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11643. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amends Class E3 Airspace; Tallahassee, FL and Class E4 Airspace, Dothan, AL Vero Beach, FL; Athens, GA; Columbus Lawson AAf, GA Meridian Key filed, MS; meridian NAS McCain Field, MS; and Florence Docket No. 00–ASO–38 [11–13–11–16–00]'' (RIN2120–AA66) (2000–0275) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11644. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishes Class D and E4 Airspace; New Bern, NC Docket No. 00–ASO–29 [11–9–11–16–00]'' (RIN2120–AA66) (2000–0276) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11645. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishes Class E Airspace; Oak Grove NC Docket No. 00–ASO–33 [11–9–11–16–00]'' (RIN2120–AA66) (2000–0277) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11646. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Realignment of Federal Airways, Docket No. 00–AGL–22 [11–9–11–16–00]'' (RIN2120–AA66) (2000–0278) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11647. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, the report of five items; to the Committee on Environment and Public Works.

EC–11648. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Priorities List for Uncontrolled Hazardous Waste Sites'' (FRL #6910–4) received on November 28, 2000; to the Committee on Environment and Public Works.

EC–11649. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revision to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program'' (FRL #6910–6) received on November 28, 2000 ; to the Committee on Environment and Public Works.

EC–11650. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Primary Drinking Water Regulations; Radionuclides; Final Rule'' (FRL #6909–3) received on November 28, 2000; to the Committee on Environment and Public Works.

EC–11651. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans and Designations of Areas for Air Quality Planning Purposes; State of New Hampshire; Revision to the Carbon Monoxide State Implementation

Plans, City of Nashua; Carbon Monoxide Redesignation Request, Maintenance Plan, Transportation Conformity Budget, and Emissions Inventory for the City of Nashua; Carbon Monoxide Redesignation Request, Maintenance Plan, Transportation Conformity Budget, and Emissions Inventory for the City of Manchester'' (FRL #6906–2) received on November 28, 2000; to the Committee on Environment and Public Works.

EC–11652. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants in fiscal year 2001'' (FRL #6908–9) received on November 28, 2000; to the Committee on Environment and Public Works.

EC–11653. A communication from the General Counsel of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revised Filing Requirements Under Part 33 of the Commission's Regulations'' (RIN1902–AB73) received on November 27, 2000; to the Committee on Energy and Natural Resources.

EC–11654. A communication from the Comptroller General of the General Accounting Office, transmitting, pursuant to law, the report relative to the Legislative Reorganization Act; to the Committee on Governmental Affairs.

EC–11655. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11656. A communication from the Secretary of Energy, transmitting, pursuant to the Inspector General Act, the semiannual report which covers the period of April 1 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11657. A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, pursuant to the Federal Activities Inventory Reform Act, the report of all potential commercial activities; to the Committee on Governmental Affairs.

EC–11658. A communication from the Secretary of Agriculture, transmitting, pursuant to the Inspector General Act, the report covering the six-month period which ended September 30, 2000; to the Committee on Governmental Affairs.

EC–11659. A communication from the Secretary of Labor, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11660. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Biological Product; Reporting of Biological Product Deviations in Manufacturing'' (Docket No. 97N–0242) received on November 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11661. A communication from the Secretary of Education, transmitting, pursuant to law, the report relative to the provision of a free appropriate public education for all children and youth with disabilities; to the Committee on Health, Education, Labor, and Pensions.

EC–11662. A communication from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Caselink Document Database for Office of Special Counsel-Waco (OSCW)'' received on November 28, 2000; to the Committee on the Judiciary.

EC–11663. A communication from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Environment and Natural Resources Division Case and Related Files System'' received on November 28, 2000; to the Committee on the Judiciary.

EC–11664. A communication from the President of the United States, transmitting, pursuant to law, the six-month periodic report relative to the national emergency with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC–11665. A communication from the President of the United States, transmitting, pursuant to law, a notice stating that the emergency concerning Iran is to continue in effect beyond the anniversary date; to the Committee on Banking, Housing, and Urban Affairs.

EC–11666. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the dangers of the proliferation of nuclear, biological, and chemical weapons; to the Committee on Banking, Housing, and Urban Affairs.

EC–11667. A communication from the President of the United States, transmitting, pursuant to law, the six-month periodic report relative to the national emergency caused by the lapse of the Export Administration Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–11668. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the national emergency with respect to Sudan; to the Committee on Banking, Housing, and Urban Affairs.

EC–11669. A communication from the Associate General for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting , pursuant to law, the report of a rule entitled ''CDBG Program Regulations on Pre-Award Costs and New Housing Construction'' (RIN2506–C06) (FR–4559–F–01) received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11670. A communication from the Associate General for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Manufactured Home Construction and Safety Standards: Manufactured Home Tires; Amendment of HUD Interpretative Bulletin J–1–76'' (FR–4559–F–01) received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11671. A communication from the Deputy Secretary of the Division of Market Regulation, U.S. Securities and Exchange Commission , transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Options Price Reporting Authority (''OPRA'') Plan for Reporting Consolidated Last Sale Reports and Quotation Information to establish a formula to allocate the message capacity of the OPRA system among the participant exchanges during peak usage periods'' (RIN3235–AH92) received on November 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11672. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2000–59) received on November 27, 2000; to the Committee on Finance.

EC–11673. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''First Quarter Quarterly Interest Rates 1/1/2001'' (Revenue Ruling 2000–57) received on November 28, 2000; to the Committee on Finance.

EC–11674. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applications of the Anti-Churning Rules for Amortization of Intangibles in Partnerships'' (RIN1545–AX73) (T.D. 8907) received on November 28, 2000; to the Committee on Finance.

EC–11675. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 2000–58—BLS–LIFO Department Store Indexes—October 2000'' (Rev. Rul. 2000–58) received on November 28, 2000; to the Committee on Finance.

EC–11676. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 2000–63, Business Plan Comments'' (Notice 2000–63) received on November 29, 2000; to the Committee on Finance.

EC–11677. A communication from the Associate Administrator, Cotton Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Cotton Board Rules and Regulations Regarding Import Assessment Exemptions'' (Docket Number CN–00–009) received on November 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11678. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Washington; Exemption from Handling and Assessment Regulations for Potatoes Shipped for Experimental Shipments'' (Docket Number FV00–046–1 IFR) received on November 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11679. A communication from the Associate Administrator, Dairy Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Tennessee Valley Marketing Area; Termination'' (Docket Number DA–01–01) received on November 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11680. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Papayas Grown in Hawaii; Removal of Suspension Regarding Grade, Inspection, and Related Reporting Requirements'' (Docket Number FV00–928–1 FR) received on November 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11681. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to

law, the report of a rule entitled ''Animal Welfare; Perimeter Fence Requirements; Technical Amendment'' (Docket #95–029–3) received on November 29, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11682. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Cattle; State and Area Classifications; South Dakota'' (Docket #00–103–1) received on November 29, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11683. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Annual Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents'' (RIN2130–AB30) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11684. A communication from the Acting Assistant Administrator of the National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Federal Register Notice—Coastal Services Center Broad Area Announcement Fiscal Year 2001 Programs'' received on November 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11685. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Final Rule to Implement Amendment 59 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (Sitka Pinnacles Marine Reserve)'' (RIN0648–AK74) received on November 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11686. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Detroit, Howe, Jacksboro, Lewisville, Gainesville, Robinson, Corsicana and Mineral Wells, TX, and Antlers and Hugo, OK)'' (MM Docket No. 97–26 and MM Docket No. 97–91) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11687. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Rantoul, Gilman, Illinois)'' (MM Docket No. 98–214; RM–9353 RM–9568) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11688. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations (New Richmond, Wisconsin, Coon Rapids and Moose Lake, Minnesota)'' (MM Docket 00–37) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11689. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Susquehanna, Pennsylvania and Conklin, New York)'' (MM Docket 99–278) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11690. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Filing Requirement for Children's Television Programming Report (FCC Form 398)—Report and Order and Further Notice of Proposed Rulemaking'' (MM Docket 00–44, FCC 00–343) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11691. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Greenwood and Mauldin, South Carolina)'' (MM Docket 99–313) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11692. A communication from the Senior Counsel for Dispute Resolution, Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Interim Statement of Policy of Alternative Dispute Resolution'' (RIN2105–AC94) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11693. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Licensing and Manning for Officers of Towing Vessels (USCG–1999–6224)'' (RIN2115–AF23) (2000–0001) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11694. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR: Charleston Christmas Parade of Boats, Charleston Harbor, SC (CGD08–00–107)'' (RIN2115–AE46) (2000–0018) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11695. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Hutchinson River, Eastchester Creek, NY (CGD01–00–243)'' (RIN2115–AE47) (2000–0055) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11696. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Harlem River, Newtown Creek, NY (CGD01–00–223)'' (RIN2115–AE47) (2000–0056) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11697. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Danvers River, MA (CGD01–00–239)'' (RIN2115–AE47) (2000–0057) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11698. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Atlantic Intracoastal Waterway, Key Largo, Monroe County, FL (CGD08–001–05)'' (RIN2115–AE47) (2000–0058) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11699. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Wrangell Narrows, Petersburg, AK (COTP Southeast Alaska 00–016)'' (RIN2115–AA97) (2000–0091) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11700. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Coastal Waters Adjacent to Florida (CGD07–00–091)'' (RIN2115–AA97) (2000–0092) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11701. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Hawaii-based Pelagic Longline Area Closure; Emergency Rule'' (RIN0648–AO66) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11702. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Final Rule to Reduce Observer Experience Requirements in the Western Alaska Community Development Quota Fisheries'' (RIN0648–AM53) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11703. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector'' received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11704. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Closure of the Directed Fishery for Pacific Mackerel'' received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11705. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''The Development of Operational Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Commission Requirements Through the Year 2010; Establishment of Rules and Requirements for Priority Access Service'' (WT Docket 96–86, FCC 00–348) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11706. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''First Report and Order and Further Notice of Proposed Rulemaking in WT Docket No. 99–217, Fifth Report and Order and Memorandum Opinion and Order in CC Docket No. 96–98, and fourth Report and Order and Memorandum Opinion and Order in CC Docket No. 88–57'' (FCC 00–366, WT Docket No. 99–217) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11707. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Risk Management''; to the Committee on Commerce, Science, and Transportation.

EC–11708. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period April 1, 2000 through September 30, 2000; ordered to lie on the table.

EC–11709. A communication from the Administrator of the Small Business Administration, transmitting, a draft of proposed legislation entitled ''8(a) Sole Source Authority''; to the Committee on Small Business.

EC–11710. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Utilities'' (RIN2125–AE68) received on November 30, 2000; to the Committee on Environment and Public Works.

EC–11711. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Business Ownership Representation'' (FRL #6912–2) received on November 30, 2000; to the Committee on Environment and Public Works.

EC–11712. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, the Brownsfields Project Planning Guidance; Volume 1: Brownsfields Assessment Overview and Volume 2: Generic Brownsfields QAPP Boilerplate; to the Committee on Environment and Public Works.

EC–11713. A communication from the Assistant Secretary for Economic Development, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Economic Development Administration Reform Act of 1998 including Economic Adjustment Grants-Revolving Loan Funds'' (RIN0610–AA62) received December 1, 2000; to the Committee on Environment and Public Works.

EC–11714. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Ventura County Air Pollution District'' (FRL #6875–8) received on December 1, 2000; to the Committee on Environment and Public Works.

EC–11715. A communication from the Fisheries Biologist, Candidate Plus Team Leader, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species; Final Endangered Status for a Distinct Population Segment of Anadromous Atlantic Salmon (Salmo salar) in the Gulf of Maine'' (RIN0648–XA39) received on December 1, 2000; to the Committee on Environment and Public Works.

EC–11716. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Control of Emissions of Volatile Organic Compounds from Batch Processes, Industrial Wastewater and Service Stations'' (FRL #6913–4) received on December 4, 2000; to the Committee on Environment and Public Works.

EC–11717. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: TN–32 Revision'' (RIN3150–AG66) received on December 4, 2000; to the Committee on Environment and Public Works.

EC–11718. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Uniform Compliance Date for Food Labeling Regulations'' (Docket No. 00N–1596) received on December 1, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11719. A communication from the Administrator of the Office of Workforce Security, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Unemployment Insurance Program Letter 04–01—Payment of Compensation and Timeliness of Determinations During a Continued Claim Series'' received on December 1, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11720. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report for the fiscal year 1996 projects; to the Committee on Health, Education, Labor, and Pensions.

EC–11721. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of the Mini Size Requirements for Red Seedless Grapefruit'' (Docket Number: FV00–905–2 FR) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11722. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Peroxyacetic Acid; Exemption From the Requirement of a Tolerance'' (FRL #6748–6) received on November 30, 2000; to the Committee on Environment and Public Works.

EC–11723. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hydrogen Peroxide; Exemption from the Requirement of a Tolerance'' (FRL #6748–5) received on November 30, 2000; to the Committee on Environment and Public Works.

EC–11724. A communication from the Administrator and Executive Vice President, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Final Rule—2000 Marketing Quota and Price Support for Burley Tobacco'' (RIN0560–AF85) received on December 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11725. A communication from the Associate Administrator of the Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Livestock Mandatory Reporting'' (RIN0581–AB64) received on the December 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11726. A communication from the Acting Deputy Executive Secretary to the Department of Heath and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Prospective Payment System for Hospital Outpatient Services'' (RIN0938–AI56) received on November 2, 2000; to the Committee on Finance.

EC–11727. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2000 Base Period T-Bill Rate'' (RR–118248–00) received on November 27, 2000; to the Committee on Finance.

EC–11728. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Return Information to the Bureau of the Census (TD 8908)'' (RIN1545–AV84) received on November 30, 2000; to the Committee on Finance.

EC–11729. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Market Segment Specialization Program Audit Techniques Guide—Auto Dealerships'' received on November 30, 2000; to the Committee on Finance.

EC–11730. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Balance Due and Refund Anticipation Loans Under Subsection 7216'' (Notice 2000–64) received on November 30, 2000; to the Committee on Finance.

EC–11731. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the second annual report; to the Committee on Finance.

EC–11732. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 2000–48 Year 2001 Standard Mileage Rates'' (Rev. Proc. 2000–48) received on December 4, 2000; to the Committee on Finance.

EC–11733. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Industry Issue Resolution Pilot Program'' (Notice 2000–65, 2000–52 I.R.B.) received on December 4, 2000; to the Committee on Finance.

EC–11734. A communication from the Chair of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report

relative to improving risk adjustment in Medicare; to the Committee on Finance.

EC–11735. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report involving exports to the Kingdom of Thailand; to the Committee on Banking, Housing, and Urban Affairs.

EC–11736. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report involving exports India; to the Committee on Banking, Housing, and Urban Affairs.

EC–11737. A communication from the Legislative and Regulatory Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled ''Assessment of Fees; National Banks; District of Columbia Banks'' (RIN1557–AB72) received on December 1, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11738. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to the Inspector General Act, the semiannual report; to the Committee on Governmental Affairs.

EC–11739. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to the Inspector General Act, the semiannual report; to the Committee on Governmental Affairs.

EC–11740. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to the Inspector General Act and the Federal Managers' Financial Integrity Act, the report covering fiscal year 2000 activities; to the Committee on Governmental Affairs.

EC–11741. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of a rule relative to postponing the effective date for assessing a $50.00 fee for the Affidavit of Support, Form I–864; to the Committee on Foreign Relations.

EC–11742. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of a rule relative to incorporating in visa regulations a complementary rule to a recent amendment of the Schedule of Fees; to the Committee on Foreign Relations.

EC–11743. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of a rule relative to establishing a new effective date for the phase-in of a new procedure for payment of certain immigrant visa fees; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and referred or ordered to lie on the table as indicated:

POM–640. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to timber harvesting; to the Committee on Agriculture, Nutrition, and Forestry.

POM–641. A concurrent resolution adopted by the House of the Legislature of the State of South Carolina relative to taxes; to the Committee on the Judiciary.

CONCURRENT RESOLUTION

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates; and

Whereas, these mandates by way of statute, rule, or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates, in violation of the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this nation and their elected representatives in state government to reaffirm that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those elected representatives in the legislative branch of government whom they choose, and that the representatives are directly responsible and accountable to those who have elected them; and

Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America which was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring; That the Congress of the United States is hereby memorialized to amend the Constitution of the United States and submit to the states for ratification an amendment which adds a new article providing as follows: ''Neither to instruct or order a state or political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes.'' Be it further

Resolved that a copy of this resolution be forwarded to the United States Senate, the United States House of Representatives, and to each member of the South Carolina Congressional Delegation.

NOMINATIONS DISCHARGED

Pursuant to a unanimous consent agreement of December 5, 2000, the following nominations were discharged from the Committee on Foreign Relations.

DEPARTMENT OF STATE

Larry Carp, of Missouri, to be an Alternative Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

Jay T. Snyder, of New York, to be a Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID:

S. 3272. A bill to establish the Great Basin National Heritage Area, Nevada and Utah; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mr. BROWNBACK, Mr. KENNEDY, Mr. CLELAND, Mr. KERRY, Mr. JOHNSON, and Mr. LEAHY):

S. 3273. A bill to require the Federal Election Commission to study voting procedures in Federal elections, award Voting Improvement Grants to States, and for other purposes; to the Committee on Rules and Administration.

By Mr. ALLARD (for himself, Mr. GRAMM, Mr. SARBANES, Mr. KERRY, Mr. SHELBY, Mr. SANTORUM, Mr. GRAMS, Mr. CAMPBELL, and Mr. INOUYE):

S. 3274. A bill to expand homeownership in the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER (for himself, Mr. BROWNBACK, Mr. KENNEDY, Mr. CLELAND, Mr. KERRY, Mr. JOHNSON, and Mr. LEAHY):

S. 3273. A bill to require the Federal Election Commission to study voting procedures in Federal elections, award Voting Improvement Grants to States, and for other purposes; to the Committee on Rules and Administration.

VOTING STUDY AND IMPROVEMENT ACT

Mr. BROWNBACK. Mr. President, in the era of the Internet, in the era of the microchip, at the dawn of the twenty-first century, I am concerned that the most prosperous, productive and inventive nation in the world conducts its elections for its highest offices in some areas in ways that are outdated, slow, inaccurate, and inaccessible to many.

That is why, Mr. President, I rise as an original sponsor of the ''Voting Study and Improvement Act,'' which I am proud to introduce today with my colleague CHUCK SCHUMER of New York.

The long national nightmare that the 2000 Presidential election has become has taught us, Republican and Democrat alike, that we need to improve the instruments of voting and the means of electing our federal office holders.

Both rural and urban areas have unique difficulties not only with accessibility to voting, but also in funding improvements in their voting systems. A rural State like Kansas has problems with voting that are different than those faced by a State such as New York. Our legislation recognizes these differences, and will allow each State to implement the changes they believe are best for them. What is the best system for voting in Kansas may not be the best system for voting in New York. What is the best system for voting in some parts of Kansas may not be

the best system for voting in another part of Kansas.

That is why CHUCK SCHUMER and I can agree to sponsor this legislation together today, and that is why we agree that something must be done. I am pleased to rise with CHUCK SCHUMER today to introduce the Voting Study and Improvement Act.

This is the first bipartisan attempt to provide grant money to States to implement alternate means and instruments of voting that provide swifter and more accurate results, and are less susceptible to partisan interference and differences of opinion

Let me be clear: unlike some legislation that has been introduced in this regard, this is not a federal mandate of election standards. We provide the means to States to implement the changes that they deem are most fitting for their unique needs.

In addition, unlike some other legislation that is being proposed in this area, we do not create a new federal agency or bureaucracy. We use the existing expertise and personnel of the Federal Election Commission to study possible improvements to our current voting system, and make recommendations for changes.

Given the magnitude of controversy surrounding the 2000 Presidential election, it is tempting to create a new agency with new powers to solve these problems. Given these problems, it is also tempting to create a federalized system of voting for federal elections. However, Senator CHUCK SCHUMER and I believe these decisions are best left to the individual States to decide. States are as different as my home State of Kansas is from CHUCK's home State of New York, and they are the ones who can best decide how to improve their own voting systems.

I encourage my colleagues to join Senator SCHUMER and myself in supporting this common-sense, bipartisan legislation, and help bring our nation's elections into the twenty-first century.

By Mr. ALLARD (for himself, Mr. GRAMM, Mr. SARBANES, Mr. KERRY, Mr. SHELBY, Mr. SANTORUM, Mr. GRAMS, Mr. CAMPBELL, and Mr. INOUYE):

S. 3274. A bill to expand homeownership in the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. ALLARD. Mr. President, today I am introducing the Senate version of the American Homeownership and Economic Opportunity Act of 2000, which is now at the desk. It is S. 3274.

I am pleased that this legislation is cosponsored by both the chairman and ranking member of the Banking Committee, Senators PHIL GRAMM and PAUL SARBANES, as well as the ranking member of the Housing subcommittee, Senator JOHN KERRY.

This legislation reflects a bipartisan and bicameral agreement on the housing legislation that should be enacted before the close of this Congress. Also joining as cosponsors are Senators RICHARD SHELBY, RICK SANTORUM, ROD GRAMS, BEN NIGHTHORSE CAMPBELL, and DANIEL INOUYE.

This legislation is the product of negotiations that have taken place between the House and Senate over the past several months. It has been introduced in the House of Representatives today, and if all goes well, it will be approved by both Houses and delivered to the President within the next several days.

In addition to housing provisions, this legislation also includes a number of regulatory relief provisions, banking and housing reporting requirements, and several items related to the Federal Reserve. An explanation of each provision is included in the section-by-section that follows my comments.

This legislation includes important home ownership, rural housing, elderly housing, disabled housing, and housing affordability barrier removal provisions. This bill also includes the Manufactured Housing Improvement Act championed by Senator SHELBY, provisions dealing with Native American housing sponsored by my Colorado colleague, Senator BEN NIGHTHORSE CAMPBELL, and Native Hawaiian provisions sponsored by Senator DANIEL INOUYE.

This legislation also includes the Private Mortgage Insurance Technical Corrections and Clarification Act which clarifies a number of provisions enacted by the 105th Congress to address the issue of private mortgage insurance cancellation and termination.

Nearly 2 years ago, I became chairman of the Banking Committee's Subcommittee on Housing and Transportation. My priority during this time has been congressional oversight of the Department of Housing and Urban Development. During the 106th Congress, our subcommittee held 19 hearings. Twelve of these hearings dealt specifically with HUD oversight. I have also made a point to develop a legislative agenda that focuses on innovative approaches to increase the supply of affordable housing.

Our subcommittee held a number of hearings to review legislative proposals on affordable housing, manufactured housing, homelessness, elderly and disabled housing, and the Federal Housing Administration mortgage insurance program.

While we have not been able to do everything we would like in the 106th Congress, I am pleased that this legislative package I am introducing today reflects significant progress on a number of housing initiatives.

On July 26, 2000, I introduced the Local Housing Opportunities Act, S. 2968, which reflects a long-term approach to empower communities and individuals by consolidating and reforming HUD programs.

While there is much that remains to be done on this legislation, I am pleased that a number of the provisions included in S. 2968 have been enacted or are included in today's introduced legislation.

An extension of the simplified FHA downpayment calculation was included in the fiscal year 2001 VA–HUD appropriations bill, and today's legislation permits Section 8 funds to be used for home ownership downpayment assistance. It allows for the use of Section 8 assistance in grandfamily housing assistance with HOME funds, provides assistance for self-help housing providers, and includes several improvements in the rural housing programs at the Department of Agriculture.

I also note that tax legislation is currently pending that includes significant increases in the caps of both the low-income housing tax credit and private activity bond programs. If we do not get this legislation enacted this year, I will continue to work hard with my colleagues to get this done in the 107th Congress.

Early in this session of Congress, the Subcommittee on Housing and Transportation set out to modernize the standards for manufactured housing. On October 5, 1999, the subcommittee held a comprehensive hearing on the proposed manufactured housing legislation. This legislation worked its way through the Senate in 1999 under the leadership of Senator SHELBY. The House included similar legislation in a broader housing bill, and we have now reached agreement between the two Chambers on the compromise legislation.

This is a tremendous achievement that will contribute significantly to an increase in the amount of affordable housing in our communities. I know from my work in Colorado that this will have a positive impact on the affordable housing shortage in my State.

Today's legislation includes several provisions to encourage the removal of regulatory barriers to affordable housing. While this is largely a State and local issue, there are steps that can be taken at the Federal level to help ensure that government at all levels does not put excessive fees, permits, and regulations in place that drive up the cost of housing. In many cases these barriers move housing beyond the means of working families. I know this is an important issue for homebuilders in Colorado and throughout the Nation.

As chairman, I will continue to work with local government and housing advocacy organizations during the 107th Congress to discourage and remove regulatory barriers to affordable housing.

It has been my pleasure to work with Senator RICK SANTORUM on a number of important provisions to improve the

Section 202 and Section 811 programs. Today's legislation reflects a compromise we have negotiated on proposals designed to expand housing opportunities for the elderly and persons with disabilities. These provisions reauthorize both programs through fiscal year 2003, permit the refinancing of program loans, permit for-profit limited partnerships, mixed funding sources, and certain commercial activities designed to increase the viability of elderly and disabled housing programs. The legislation also authorizes service coordinators and congregate services for elderly and disabled housing.

Mr. President, I ask unanimous consent that a section-by-section description of the bill, along with the full text of the bill, be printed in the RECORD. And I thank all my colleagues who have helped to put this legislative package together.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3274

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 ''American Homeownership and Economic Opportunity Act of 2000''.

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

Sec. 1. Short title and table of contents.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Sec. 101. Short title.
Sec. 102. Grants for regulatory barrier removal strategies.
Sec. 103. Regulatory barriers clearinghouse.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

Sec. 201. Home equity conversion mortgages.
Sec. 202. Assistance for self-help housing providers.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Sec. 301. Downpayment assistance.
Sec. 302. Pilot program for homeownership assistance for disabled families.
Sec. 303. Funding for pilot programs.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

Sec. 401. Short title.
Sec. 402. Changes in amortization schedule.
Sec. 403. Deletion of ambiguous references to residential mortgages.
Sec. 404. Cancellation rights after cancellation date.
Sec. 405. Clarification of cancellation and termination issues and lender paid mortgage insurance disclosure requirements.
Sec. 406. Definitions.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

Sec. 501. Lands title report commission.
Sec. 502. Loan guarantees.
Sec. 503. Native American housing assistance.

Subtitle B—Native Hawaiian Housing

Sec. 511. Short title.
Sec. 512. Findings.
Sec. 513. Housing assistance.
Sec. 514. Loan guarantees.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

Sec. 601. Short title; references.
Sec. 602. Findings and purposes.
Sec. 603. Definitions.
Sec. 604. Federal manufactured home construction and safety standards.
Sec. 605. Abolishment of National Manufactured Home Advisory Council; manufactured home installation.
Sec. 606. Public information.
Sec. 607. Research, testing, development, and training.
Sec. 608. Prohibited acts.
Sec. 609. Fees.
Sec. 610. Dispute resolution.
Sec. 611. Elimination of annual reporting requirement.
Sec. 612. Effective date.
Sec. 613. Savings provisions.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

Sec. 701. Guarantees for refinancing of rural housing loans.
Sec. 702. Promissory note requirement under housing repair loan program.
Sec. 703. Limited partnership eligibility for farm labor housing loans.
Sec. 704. Project accounting records and practices.
Sec. 705. Definition of rural area.
Sec. 706. Operating assistance for migrant farmworkers projects.
Sec. 707. Multifamily rental housing loan guarantee program.
Sec. 708. Enforcement provisions.
Sec. 709. Amendments to title 18 of United States Code.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

Sec. 801. Short title.
Sec. 802. Regulations.
Sec. 803. Effective date.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

Sec. 811. Prepayment and refinancing.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

Sec. 821. Supportive housing for elderly persons.
Sec. 822. Supportive housing for persons with disabilities.
Sec. 823. Service coordinators and congregate services for elderly and disabled housing.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

PART 1—HOUSING FOR THE ELDERLY

Sec. 831. Eligibility of for-profit limited partnerships.
Sec. 832. Mixed funding sources.
Sec. 833. Authority to acquire structures.
Sec. 834. Use of project reserves.
Sec. 835. Commercial activities.

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

Sec. 841. Eligibility of for-profit limited partnerships.
Sec. 842. Mixed funding sources.
Sec. 843. Tenant-based assistance.
Sec. 844. Use of project reserves.
Sec. 845. Commercial activities.

PART 3—OTHER PROVISIONS

Sec. 851. Service coordinators.

Subtitle D—Preservation of Affordable Housing Stock

Sec. 861. Section 236 assistance.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

Sec. 901. Extension of loan term for manufactured home lots.
Sec. 902. Use of section 8 vouchers for opt-outs.
Sec. 903. Maximum payment standard for enhanced vouchers.
Sec. 904. Use of section 8 assistance by ''grand-families'' to rent dwelling units in assisted projects.

TITLE X—FEDERAL RESERVE BOARD PROVISIONS

Sec. 1001. Federal Reserve Board buildings.
Sec. 1002. Positions of Board of Governors of the Federal Reserve System on the Executive schedule.
Sec. 1003. Amendments to the Federal Reserve Act.

TITLE XI—BANKING AND HOUSING AGENCY REPORTS

Sec. 1101. Short title.
Sec. 1102. Preservation of certain reporting requirements.
Sec. 1103. Coordination of reporting requirements.
Sec. 1104. Elimination of certain reporting requirements.

TITLE XII—FINANCIAL REGULATORY RELIEF

Sec. 1200. Short title.

Subtitle A—Improving Monetary Policy and Financial Institution Management Practices

Sec. 1201. Repeal of savings association liquidity provision.
Sec. 1202. Noncontrolling investments by savings association holding companies.
Sec. 1203. Repeal of deposit broker notification and recordkeeping requirement.
Sec. 1204. Expedited procedures for certain reorganizations.
Sec. 1205. National bank directors.
Sec. 1206. Amendment to National Bank Consolidation and Merger Act.
Sec. 1207. Loans on or purchases by institutions of their own stock; affiliations.
Sec. 1208. Purchased mortgage servicing rights.

Subtitle B—Streamlining Activities of Institutions

Sec. 1211. Call report simplification.

Subtitle C—Streamlining Agency Actions

Sec. 1221. Elimination of duplicative disclosure of fair market value of assets and liabilities.
Sec. 1222. Payment of interest in receiverships with surplus funds.
Sec. 1223. Repeal of reporting requirement on differences in accounting standards.
Sec. 1224. Extension of time.

Subtitle D—Technical Corrections

Sec. 1231. Technical correction relating to deposit insurance funds.
Sec. 1232. Rules for continuation of deposit insurance for member banks converting charters.
Sec. 1233. Amendments to the Revised Statutes of the United States.
Sec. 1234. Conforming change to the International Banking Act of 1978.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

SEC. 101. SHORT TITLE.

This title may be cited as the ''Housing Affordability Barrier Removal Act of 2000''.

SEC. 102. GRANTS FOR REGULATORY BARRIER REMOVAL STRATEGIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(a)) is amended to read as follows:

''(a) FUNDING.—There is authorized to be appropriated for grants under subsections (b) and (c) such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.''.

(b) CONSOLIDATION OF STATE AND LOCAL GRANTS.—Subsection (b) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(b)) is amended—

(1) in the subsection heading, by striking ''STATE GRANTS'' and inserting ''GRANT AUTHORITY'';

(2) in the matter preceding paragraph (1), by inserting after ''States'' the following: ''and units of general local government (including consortia of such governments)'';

(3) in paragraph (3), by striking ''a State program to reduce State and local'' and inserting ''State, local, or regional programs to reduce'';

(4) in paragraph (4), by inserting ''or local'' after ''State''; and

(5) in paragraph (5), by striking ''State''.

(c) REPEAL OF LOCAL GRANTS PROVISION.—Section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c) is amended by striking subsection (c).

(d) APPLICATION AND SELECTION.—The last sentence of section 1204(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(e)) is amended—

(1) by striking ''and for the selection of units of general local government to receive grants under subsection (f)(2)''; and

(2) by inserting before the period at the end the following: ''and such criteria shall require that grant amounts be used in a manner consistent with the strategy contained in the comprehensive housing affordability strategy for the jurisdiction pursuant to section 105(b)(4) of the Cranston-Gonzalez National Affordable Housing Act''.

(e) SELECTION OF GRANTEES.—Subsection (f) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(f)) is amended to read as follows:

''(f) SELECTION OF GRANTEES.—To the extent amounts are made available to carry out this section, the Secretary shall provide grants on a competitive basis to eligible grantees based on the proposed uses of such amounts, as provided in applications under subsection (e).''.

(f) TECHNICAL AMENDMENTS.—Section 107(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(a)(1)) is amended—

(1) in subparagraph (G), by inserting ''and'' after the semicolon at the end;

(2) by striking subparagraph (H); and

(3) by redesignating subparagraph (I) as subparagraph (H).

SEC. 103. REGULATORY BARRIERS CLEARINGHOUSE.

Section 1205 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''receive, collect, process, and assemble'' and inserting ''serve as a national repository to receive, collect, process, assemble, and disseminate'';

(B) in paragraph (1)—

(i) by striking '', including'' and inserting ''(including''; and

(ii) by inserting before the semicolon at the end the following: ''), and the prevalence and effects on affordable housing of such laws, regulations, and policies'';

(C) in paragraph (2), by inserting before the semicolon the following: '', including particularly innovative or successful activities, strategies, and plans''; and

(D) in paragraph (3), by inserting before the period at the end the following: '', including particularly innovative or successful strategies, activities, and plans'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''and'' at the end;

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

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

''(3) by making available through a World Wide Web site of the Department, by electronic mail, or otherwise, provide to each housing agency of a unit of general local government that serves an area having a population greater than 100,000, an index of all State and local strategies and plans submitted under subsection (a) to the clearinghouse, which—

''(A) shall describe the types of barriers to affordable housing that the strategy or plan was designed to ameliorate or remove; and

''(B) shall, not later than 30 days after submission to the clearinghouse of any new strategy or plan, be updated to include the new strategy or plan submitted.''; and

(3) by adding at the end the following new subsections:

''(c) ORGANIZATION.—The clearinghouse under this section shall be established within the Office of Policy Development of the Department of Housing and Urban Development and shall be under the direction of the Assistant Secretary for Policy Development and Research.

''(d) TIMING.—The clearinghouse under this section (as amended by section 103 of the Housing Affordability Barrier Removal Act of 2000) shall be established and commence carrying out the functions of the clearinghouse under this section not later than 1 year after the date of the enactment of such Act. The Secretary of Housing and Urban Development may comply with the requirements under this section by reestablishing the clearinghouse that was originally established to comply with this section and updating and improving such clearinghouse to the extent necessary to comply with the requirements of this section as in effect pursuant to the enactment of such Act.''.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

SEC. 201. HOME EQUITY CONVERSION MORTGAGES.

(a) INSURANCE FOR MORTGAGES TO REFINANCE EXISTING HECMS.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(A) by redesignating subsection (k) as subsection (m); and

(B) by inserting after subsection (j) the following new subsection:

''(k) INSURANCE AUTHORITY FOR REFINANCINGS.—

''(1) IN GENERAL.—The Secretary may, upon application by a mortgagee, insure under this subsection any mortgage given to refinance an existing home equity conversion mortgage insured under this section.

''(2) ANTI-CHURNING DISCLOSURE.—The Secretary shall, by regulation, require that the mortgagee of a mortgage insured under this subsection, provide to the mortgagor, within an appropriate time period and in a manner established in such regulations, a good faith estimate of: (A) the total cost of the refinancing; and (B) the increase in the mortgagor's principal limit as measured by the estimated initial principal limit on the mortgage to be insured under this subsection less the current principal limit on the home equity conversion mortgage that is being refinanced and insured under this subsection.

''(3) WAIVER OF COUNSELING REQUIREMENT.—The mortgagor under a mortgage insured under this subsection may waive the applicability, with respect to such mortgage, of the requirements under subsection (d)(2)(B) (relating to third party counseling), but only if—

''(A) the mortgagor has received the disclosure required under paragraph (2);

''(B) the increase in the principal limit described in paragraph (2) exceeds the amount of the total cost of refinancing (as described in such paragraph) by an amount to be determined by the Secretary; and

''(C) the time between the closing of the original home equity conversion mortgage that is refinanced through the mortgage insured under this subsection and the application for a refinancing mortgage insured under this subsection does not exceed 5 years.

''(4) CREDIT FOR PREMIUMS PAID.—Notwithstanding section 203(c)(2)(A), the Secretary may reduce the amount of the single premium payment otherwise collected under such section at the time of the insurance of a mortgage refinanced and insured under this subsection. The amount of the single premium for mortgages refinanced under this subsection shall be determined by the Secretary based on the actuarial study required under paragraph (5).

''(5) ACTUARIAL STUDY.—Not later than 180 days after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall conduct an actuarial analysis to determine the adequacy of the insurance premiums collected under the program under this subsection with respect to—

''(A) a reduction in the single premium payment collected at the time of the insurance of a mortgage refinanced and insured under this subsection;

''(B) the establishment of a single national limit on the benefits of insurance under subsection (g) (relating to limitation on insurance authority); and

''(C) the combined effect of reduced insurance premiums and a single national limitation on insurance authority.

''(6) FEES.—The Secretary may establish a limit on the origination fee that may be charged to a mortgagor under a mortgage insured under this subsection, except that such limitation shall provide that the origination fee may be fully financed with the mortgage and shall include any fees paid to correspondent mortgagees approved by the Secretary.''.

(2) REGULATIONS.—The Secretary shall issue any final regulations necessary to implement the amendments made by paragraph (1) of this subsection, which shall take effect not later than the expiration of the 180-day period beginning on the date of the enactment of this Act. The regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

(b) HOUSING COOPERATIVES.—Section 255(b) of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (2), by striking ''mortgage',''; and

(2) by adding at the end the following new paragraphs:

''(4) MORTGAGE.—The term 'mortgage' means a first mortgage or first lien on real estate, in fee simple, on all stock allocated to a dwelling in a residential cooperative housing corporation, or on a leasehold—

''(A) under a lease for not less than 99 years that is renewable; or

''(B) under a lease having a period of not less than 10 years to run beyond the maturity date of the mortgage.

''(5) FIRST MORTGAGE.—The term 'first mortgage' means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate or all stock allocated to a dwelling unit in a residential cooperative housing corporation, under the laws of the State in which the real estate or dwelling unit is located, together with the credit instruments, if any, secured thereby.''.

(c) WAIVER OF UP-FRONT PREMIUMS FOR MORTGAGES USED TO FUND LONG-TERM CARE INSURANCE.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended by inserting after subsection (k) (as added by subsection (a) of this section) the following new subsection:

''(l) WAIVER OF UP-FRONT PREMIUMS FOR MORTGAGES TO FUND LONG-TERM CARE INSURANCE.—

''(1) IN GENERAL.—In the case of any mortgage insured under this section under which the total amount (except as provided in paragraph (2)) of all future payments described in subsection (b)(3) will be used only for costs of a qualified long-term care insurance contract that covers the mortgagor or members of the household residing in the property that is subject to the mortgage, notwithstanding section 203(c)(2), the Secretary shall not charge or collect the single premium payment otherwise required under subparagraph (A) of such section to be paid at the time of insurance.

''(2) AUTHORITY TO REFINANCE EXISTING MORTGAGE AND FINANCE CLOSING COSTS.—A mortgage described in paragraph (1) may provide financing of amounts that are used to satisfy outstanding mortgage obligations (in accordance with such limitations as the Secretary shall prescribe) and any amounts used for initial service charges, appraisal, inspection, and other fees (as approved by the Secretary) in connection with such mortgage, and the amount of future payments described in subsection (b)(3) under the mortgage shall be reduced accordingly.

''(3) DEFINITION.—For purposes of this subsection, the term 'qualified long-term care insurance contract' has the meaning given such term in section 7702B of the Internal Revenue Code of 1986 (26 U.S.C. 7702B)), except that such contract shall also meet the requirements of—

''(A) sections 9 (relating to disclosure), 24 (relating to suitability), and 26 (relating to contingent nonforfeiture) of the long-term care insurance model regulation promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000); and

''(B) section 8 (relating to contingent nonforfeiture) of the long-term care insurance model Act promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000).''.

(2) APPLICABILITY.—The provisions of section 255(l) of the National Housing Act (as added by paragraph (1) of this subsection) shall apply only to mortgages closed on or after April 1, 2001.

(d) STUDY OF SINGLE NATIONAL MORTGAGE LIMIT.—The Secretary of Housing and Urban Development shall conduct an actuarially based study of the effects of establishing, for mortgages insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), a single maximum mortgage amount limitation in lieu of applicability of section 203(b)(2) of such Act (12 U.S.C. 1709(b)(2)). The study shall—

(1) examine the effects of establishing such limitation at different dollar amounts; and

(2) examine the effects of such various limitations on—

(A) the risks to the General Insurance Fund established under section 519 of such Act;

(B) the mortgage insurance premiums that would be required to be charged to mortgagors to ensure actuarial soundness of such Fund; and

(C) take into consideration the various approaches to providing credit to borrowers who refinance home equity conversion mortgages insured under section 255 of such Act. Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the study under this subsection and submit a report describing the study and the results of the study to the Committee on Banking and Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 202. ASSISTANCE FOR SELF-HELP HOUSING PROVIDERS.

(a) REAUTHORIZATION.—Subsection (p) of section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended to read as follows:

''(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2001.''.

(b) ELIGIBLE EXPENSES.—Section 11(d)(2)(A) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by inserting before the period at the end the following: '', which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for nongrant amounts of the organization, consortium, or affiliate advanced before such review to acquire land''.

(c) DEADLINE FOR RECAPTURE OF FUNDS.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (i)(5)—

(A) by striking ''if the organization or consortia has not used any grant amounts'' and inserting ''the Secretary shall recapture any grant amounts provided to the organization or consortia that are not used'';

(B) by striking ''(or,'' and inserting '', except that such period shall be 36 months''; and

(C) by striking ''within 36 months), the Secretary shall recapture such unused amounts'' and inserting ''and in the case of a grant amounts provided to a local affiliate of the organization or consortia that is developing five or more dwellings in connection with such grant amounts''; and

(2) in subsection (j), by inserting after ''carry out this section'' the following: ''and grant amounts provided to a local affiliate of the organization or consortia that is developing five or more dwellings in connection with such grant amounts''.

(d) TECHNICAL CORRECTIONS.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (b)(4), by striking ''Habitat for Humanity International, its affiliates, and other''; and

(2) in subsection (e)(2), by striking ''consoria'' and inserting ''consortia''.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

SEC. 301. DOWNPAYMENT ASSISTANCE.

(a) AMENDMENTS.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

''(7) DOWNPAYMENT ASSISTANCE.—

''(A) AUTHORITY.—A public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the public housing agency, provide assistance for the family in the form of a single grant to be used only as a contribution toward the downpayment required in connection with the purchase of a dwelling for fiscal year 2000 and each fiscal year thereafter to the extent provided in advance in appropriations Acts.

''(B) AMOUNT.—The amount of a downpayment grant on behalf of an assisted family may not exceed the amount that is equal to the sum of the assistance payments that would be made during the first year of assistance on behalf of the family, based upon the income of the family at the time the grant is to be made.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately after the amendments made by section 555(c) of the Quality Housing and Work Responsibility Act of 1998 take effect pursuant to such section.

SEC. 302. PILOT PROGRAM FOR HOMEOWNERSHIP ASSISTANCE FOR DISABLED FAMILIES.

(a) IN GENERAL.—A public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) may provide assistance for a disabled family that purchases a dwelling unit (including a dwelling unit under a lease-purchase agreement) that will be owned by one or more members of the disabled family and will be occupied by the disabled family, if the disabled family—

(1) purchases the dwelling unit before the expiration of the 3-year period beginning on the date that the Secretary first implements the pilot program under this section;

(2) demonstrates that the disabled family has income from employment or other sources (including public assistance), as determined in accordance with requirements of the Secretary, that is not less than twice the payment standard established by the public housing agency (or such other amount as may be established by the Secretary);

(3) except as provided by the Secretary, demonstrates at the time the disabled family initially receives tenant-based assistance under this section that one or more adult members of the disabled family have achieved employment for the period as the Secretary shall require;

(4) participates in a homeownership and housing counseling program provided by the agency; and

(5) meets any other initial or continuing requirements established by the public housing agency in accordance with requirements established by the Secretary.

(b) DETERMINATION OF AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—

(A) MONTHLY EXPENSES NOT EXCEEDING PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:

(i) 30 percent of the monthly adjusted income of the disabled family.

(ii) 10 percent of the monthly income of the disabled family.

(iii) If the disabled family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the disabled family, is specifically designated by that agency to meet the housing costs of the disabled family, the portion of those payments that is so designated.

(B) MONTHLY EXPENSES EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable payment standard exceeds the highest of the amounts under clauses (i), (ii), and (iii) of subparagraph (A).

(2) CALCULATION OF AMOUNT.—

(A) LOW-INCOME FAMILIES.—A disabled family that is a low-income family shall be eligible to receive 100 percent of the amount calculated under paragraph (1).

(B) INCOME BETWEEN 81 AND 89 PERCENT OF MEDIAN.—A disabled family whose income is between 81 and 89 percent of the median for the area shall be eligible to receive 66 percent of the amount calculated under paragraph (1).

(C) INCOME BETWEEN 90 AND 99 PERCENT OF MEDIAN.—A disabled family whose income is between 90 and 99 percent of the median for the area shall be eligible to receive 33 percent of the amount calculated under paragraph (1).

(D) INCOME MORE THAN 99 PERCENT OF MEDIAN.—A disabled family whose income is more than 99 percent of the median for the area shall not be eligible to receive assistance under this section.

(c) INSPECTIONS AND CONTRACT CONDITIONS.—

(1) IN GENERAL.—Each contract for the purchase of a dwelling unit to be assisted under this section shall—

(A) provide for pre-purchase inspection of the dwelling unit by an independent professional; and

(B) require that any cost of necessary repairs be paid by the seller.

(2) ANNUAL INSPECTIONS NOT REQUIRED.—The requirement under subsection (o)(8)(A)(ii) of section 8 of the United States Housing Act of 1937 for annual inspections shall not apply to dwelling units assisted under this section.

(d) OTHER AUTHORITY OF THE SECRETARY.—The Secretary may—

(1) limit the term of assistance for a disabled family assisted under this section;

(2) provide assistance for a disabled family for the entire term of a mortgage for a dwelling unit if the disabled family remains eligible for such assistance for such term; and

(3) modify the requirements of this section as the Secretary determines to be necessary to make appropriate adaptations for lease-purchase agreements.

(e) ASSISTANCE PAYMENTS SENT TO LENDER.—The Secretary shall remit assistance payments under this section directly to the mortgagee of the dwelling unit purchased by the disabled family receiving such assistance payments.

(f) INAPPLICABILITY OF CERTAIN PROVISIONS.—Assistance under this section shall not be subject to the requirements of the following provisions:

(1) Subsection (c)(3)(B) of section 8 of the United States Housing Act of 1937.

(2) Subsection (d)(1)(B)(i) of section 8 of the United States Housing Act of 1937.

(3) Any other provisions of section 8 of the United States Housing Act of 1937 governing maximum amounts payable to owners and amounts payable by assisted families.

(4) Any other provisions of section 8 of the United States Housing Act of 1937 concerning contracts between public housing agencies and owners.

(5) Any other provisions of the United States Housing Act of 1937 that are inconsistent with the provisions of this section.

(g) REVERSION TO RENTAL STATUS.—

(1) NON-FHA MORTGAGES.—If a disabled family receiving assistance under this section defaults under a mortgage not insured under the National Housing Act, the disabled family may not continue to receive rental assistance under section 8 of the United States Housing Act of 1937 unless it complies with requirements established by the Secretary.

(2) ALL MORTGAGES.—A disabled family receiving assistance under this section that defaults under a mortgage may not receive assistance under this section for occupancy of another dwelling unit owned by 1 or more members of the disabled family.

(3) EXCEPTION.—This subsection shall not apply if the Secretary determines that the disabled family receiving assistance under this section defaulted under a mortgage due to catastrophic medical reasons or due to the impact of a federally declared major disaster or emergency.

(h) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue regulations to implement this section. Such regulations may not prohibit any public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 from participating in the pilot program under this section.

(i) DEFINITION OF DISABLED FAMILY.—For the purposes of this section, the term ''disabled family'' has the meaning given the term ''person with disabilities'' in section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)).

SEC. 303. FUNDING FOR PILOT PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2001 for assistance in connection with the existing homeownership pilot programs carried out under the demonstration program authorized under to section 555(b) of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276; 112 Stat. 2613).

(b) USE.—Subject to subsection (c), amounts made available pursuant to this section shall be used only through such homeownership pilot programs to provide, on behalf of families participating in such programs, amounts for downpayments in connection with dwellings purchased by such families using assistance made available under section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)). No such downpayment grant may exceed 20 percent of the appraised value of the dwelling purchased with assistance under such section 8(y).

(c) MATCHING REQUIREMENT.—The amount of assistance made available under this section for any existing homeownership pilot program may not exceed twice the amount donated from sources other than this section for use under the program for assistance described in subsection (b). Amounts donated from other sources may include amounts from State housing finance agencies and Neighborhood Housing Services of America.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Private Mortgage Insurance Technical Corrections and Clarification Act''.

SEC. 402. CHANGES IN AMORTIZATION SCHEDULE.

(a) TREATMENT OF ADJUSTABLE RATE MORTGAGES.—The Homeowners Protection Act of 1998 (12 U.S.C. 4901 et seq.) is amended—

(1) in section 2—

(A) in paragraph (2)(B)(i), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect'';

(B) in paragraph (16)(B), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect'';

(C) by redesignating paragraphs (6) through (16) (as amended by the preceding provisions of this paragraph) as paragraphs (8) through (18), respectively; and

(D) by inserting after paragraph (5) the following new paragraph:

''(6) AMORTIZATION SCHEDULE THEN IN EFFECT.—The term 'amortization schedule then in effect' means, with respect to an adjustable rate mortgage, a schedule established at the time at which the residential mortgage transaction is consummated or, if such schedule has been changed or recalculated, is the most recent schedule under the terms of the note or mortgage, which shows—

''(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the remaining amortization period of the loan; and

''(B) the unpaid balance of the loan after each such scheduled payment is made.''; and

(2) in section 3(f)(1)(B)(ii), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect''.

(b) TREATMENT OF BALLOON MORTGAGES.—Paragraph (1) of section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(1)) is amended by adding at the end the following new sentence: ''A residential mortgage that (A) does not fully amortize over the term of the obligation, and (B) contains a conditional right to refinance or modify the unamortized principal at the maturity date of the term, shall be considered to be an adjustable rate mortgage for purposes of this Act.''.

(c) TREATMENT OF LOAN MODIFICATIONS.—

(1) IN GENERAL.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

''(d) TREATMENT OF LOAN MODIFICATIONS.—If a mortgagor and mortgagee (or holder of the mortgage) agree to a modification of the terms or conditions of a loan pursuant to a residential mortgage transaction, the cancellation date, termination date, or final termination shall be recalculated to reflect the modified terms and conditions of such loan.''.

(2) CONFORMING AMENDMENTS.—Section 4(a) of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''section 3(f)(1)'' and inserting ''section 3(g)(1)'';

(ii) in subparagraph (A)(ii)(IV), by striking ''section 3(f)'' and inserting ''section 3(g)''; and

(iii) in subparagraph (B)(iii), by striking ''section 3(f)'' and inserting ''section 3(g)''; and

(B) in paragraph (2), by striking ''section 3(f)(1)'' and inserting ''section 3(g)(1)''.

SEC. 403. DELETION OF AMBIGUOUS REFERENCES TO RESIDENTIAL MORTGAGES.

(a) TERMINATION OF PRIVATE MORTGAGE INSURANCE.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (c), by inserting ''on residential mortgage transactions'' after ''imposed''; and

(2) in subsection (g) (as so redesignated by the preceding provisions of this title)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''mortgage or'';

(B) in paragraph (2), by striking ''mortgage or''; and

(C) in paragraph (3), by striking ''mortgage or'' and inserting ''residential mortgage or residential''.

(b) DISCLOSURE REQUIREMENTS.—Section 4 of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''mortgage or'' the first place it appears; and

(ii) by striking ''mortgage or'' the second place it appears and inserting ''residential''; and

(B) in paragraph (2), by striking ''mortgage or'' and inserting ''residential'';

(2) in subsection (c), by striking ''paragraphs (1)(B) and (3) of subsection (a)'' and inserting ''subsection (a)(3)''; and

(3) in subsection (d), by inserting before the period at the end the following: '', which disclosures shall relate to the mortgagor's rights under this Act''.

(c) DISCLOSURE REQUIREMENTS FOR LENDER-PAID MORTGAGE INSURANCE.—Section 6 of the Homeowners Protection Act of 1998 (12 U.S.C. 4905) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''a residential mortgage or''; and

(B) in paragraph (2), by inserting ''transaction'' after ''residential mortgage''; and

(2) in subsection (d), by inserting ''transaction'' after ''residential mortgage''.

SEC. 404. CANCELLATION RIGHTS AFTER CANCELLATION DATE.

Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after ''cancellation date'' the following: ''or any later date that the mortgagor fulfills all of the requirements under paragraphs (1) through (4)'';

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

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

''(3) is current on the payments required by the terms of the residential mortgage transaction; and''; and

(2) in subsection (e)(1)(B) (as so redesignated by the preceding provisions of this title), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(4)''.

SEC. 405. CLARIFICATION OF CANCELLATION AND TERMINATION ISSUES AND LENDER PAID MORTGAGE INSURANCE DISCLOSURE REQUIREMENTS.

(a) GOOD PAYMENT HISTORY.—Section 2(4) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''the later of (i)'' before ''the date''; and

(B) by inserting '', or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)'' before the semicolon; and

(2) in subparagraph (B)—

(A) by inserting ''the later of (i)'' before ''the date''; and

(B) by inserting '', or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)'' before the period at the end.

(b) AUTOMATIC TERMINATION.—Paragraph (2) of section 3(b) of the Homeowners Protection Act of 1998 (12 U.S.C. 4902(b)(2)) is amended to read as follows:

''(2) if the mortgagor is not current on the termination date, on the first day of the first month beginning after the date that the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction.''

(c) PREMIUM PAYMENTS.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended by adding at the end the following new subsection:

''(h) ACCRUED OBLIGATION FOR PREMIUM PAYMENTS.—The cancellation or termination under this section of the private mortgage insurance of a mortgagor shall not affect the rights of any mortgagee, servicer, or mortgage insurer to enforce any obligation of such mortgagor for premium payments accrued prior to the date on which such cancellation or termination occurred.''.

SEC. 406. DEFINITIONS.

(a) REFINANCED.—Section 6(c)(1)(B)(ii) of the Homeowners Protection Act of 1998 (12 U.S.C. 4905(c)(1)(B)(ii)) is amended by inserting after ''refinanced'' the following: ''(under the meaning given such term in the regulations issued by the Board of Governors of the Federal Reserve System to carry out the Truth in Lending Act (15 U.S.C. 1601 et seq.))''.

(b) MIDPOINT OF THE AMORTIZATION PERIOD.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended by inserting after paragraph (6) (as added by the preceding provisions of this title) the following new paragraph:

''(7) MIDPOINT OF THE AMORTIZATION PERIOD.—The term 'midpoint of the amortization period' means, with respect to a residential mortgage transaction, the point in time that is halfway through the period that begins upon the first day of the amortization period established at the time a residential mortgage transaction is consummated and ends upon the completion of the entire period over which the mortgage is scheduled to be amortized.''.

(c) ORIGINAL VALUE.—Section 2(12) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(10)) (as so redesignated by the preceding provisions of this title) is amended—

(1) by inserting ''transaction'' after ''a residential mortgage''; and

(2) by adding at the end the following new sentence: ''In the case of a residential mortgage transaction for refinancing the principal residence of the mortgagor, such term means only the appraised value relied upon by the mortgagee to approve the refinance transaction.''.

(d) PRINCIPAL RESIDENCE.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended—

(1) in paragraph (14) (as so redesignated by the preceding provisions of this title) by striking ''primary'' and inserting ''principal''; and

(2) in paragraph (15) (as so redesignated by the preceding provisions of this title) by striking ''primary'' and inserting ''principal''.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

SEC. 501. LANDS TITLE REPORT COMMISSION.

(a) ESTABLISHMENT.—Subject to sums being provided in advance in appropriations Acts, there is established a Commission to be known as the Lands Title Report Commission (hereafter in this section referred to as the ''Commission'') to facilitate home loan mortgages on Indian trust lands. The Commission will be subject to oversight by the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 12 members, appointed not later than 90 days after the date of the enactment of this Act as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the Chairperson of the Committee on Banking and Financial Services of the House of Representatives.

(C) Four members shall be appointed by the Chairperson of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—

(A) MEMBERS OF TRIBES.—At all times, not less than eight of the members of the Commission shall be members of federally recognized Indian tribes.

(B) EXPERIENCE IN LAND TITLE MATTERS.—All members of the Commission shall have experience in and knowledge of land title matters relating to Indian trust lands.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be one of the members of the Commission appointed under paragraph (1)(C), as elected by the members of the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) INITIAL MEETING.—The Chairperson of the Commission shall call the initial meeting of the Commission. Such meeting shall be held within 30 days after the Chairperson of the Commission determines that sums sufficient for the Commission to carry out its duties under this Act have been appropriated for such purpose.

(d) DUTIES.—The Commission shall analyze the system of the Bureau of Indian Affairs of

the Department of the Interior for maintaining land ownership records and title documents and issuing certified title status reports relating to Indian trust lands and, pursuant to such analysis, determine how best to improve or replace the system—

(1) to ensure prompt and accurate responses to requests for title status reports;

(2) to eliminate any backlog of requests for title status reports; and

(3) to ensure that the administration of the system will not in any way impair or restrict the ability of Native Americans to obtain conventional loans for purchase of residences located on Indian trust lands, including any actions necessary to ensure that the system will promptly be able to meet future demands for certified title status reports, taking into account the anticipated complexity and volume of such requests.

(e) REPORT.—Not later than the date of the termination of the Commission under subsection (h), the Commission shall submit a report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the analysis and determinations made pursuant to subsection (d).

(f) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this section.

(6) STAFF.—The Commission may appoint personnel as it considers appropriate, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary, and any amounts appropriated pursuant to this subsection shall remain available until expended.

(h) TERMINATION.—The Commission shall terminate 1 year after the date of the initial meeting of the Commission.

SEC. 502. LOAN GUARANTEES.

Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

(1) in paragraph (5), by striking subparagraph (C) and inserting the following new subparagraph:

''(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section in each fiscal year with an aggregate outstanding principal amount not exceeding such amount as may be provided in appropriation Acts for such fiscal year.''; and

(2) in paragraph (7), by striking ''each of fiscal years 1997, 1998, 1999, 2000, and 2001'' and inserting ''each fiscal year''.

SEC. 503. NATIVE AMERICAN HOUSING ASSISTANCE.

(a) RESTRICTION ON WAIVER AUTHORITY.—

(1) IN GENERAL.—Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking ''if the Secretary'' and all that follows through the period at the end and inserting the following: ''for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.''.

(2) LOCAL COOPERATION AGREEMENT.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: ''The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).''.

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(c)) is amended by adding at the end the following:

''(6) CERTAIN FAMILIES.—With respect to assistance provided under section 201(b)(2) by a recipient to Indian families that are not low-income families, evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.''.

(c) ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.—Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(d) ENVIRONMENTAL COMPLIANCE.—Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

''(d) ENVIRONMENTAL COMPLIANCE.—The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

''(1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act;

''(2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

''(3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and

''(4) may be corrected through the sole action of the recipient.''.

(e) OVERSIGHT.—

(1) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

''SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

''If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).''.

(2) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4165) is amended to read as follows:

''SEC. 405. REVIEW AND AUDIT BY SECRETARY.

''(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

''(b) ADDITIONAL REVIEWS AND AUDITS.—

''(1) IN GENERAL.—In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

''(A) determine whether the recipient—

''(i) has carried out—

''(I) eligible activities in a timely manner; and

''(II) eligible activities and certification in accordance with this Act and other applicable law;

''(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

''(iii) is in compliance with the Indian housing plan of the recipient; and

''(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

''(2) ON-SITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include on-site visits by the appropriate official of the Department of Housing and Urban Development.

''(c) REVIEW OF REPORTS.—

''(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

''(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

''(A) may revise the report; and

''(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

''(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.''.

(f) ALLOCATION FORMULA.—Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking ''The formula,'' and inserting the following:

''(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula''; and

(2) by adding at the end the following:

''(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 2001 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437*l*) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.''.

(g) HEARING REQUIREMENT.—Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and realigning such subparagraphs (as so redesignated) so as to be indented 4 ems from the left margin;

(2) by striking ''Except as provided'' and inserting the following:

''(1) IN GENERAL.—Except as provided'';

(3) by striking ''If the Secretary takes an action under paragraph (1), (2), or (3)'' and inserting the following:

''(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)''; and

(4) by adding at the end the following:

''(3) EXCEPTION FOR CERTAIN ACTIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

''(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

''(i) provide notice to the recipient at the time that the Secretary takes that action; and

''(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

''(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.''.

(h) PERFORMANCE AGREEMENT TIME LIMIT.—Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary'';

(2) by striking ''(1) is not'' and inserting the following:

''(A) is not'';

(3) by striking ''(2) is a result'' and inserting the following:

''(B) is a result'';

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this subsection—

(A) by realigning such material so as to be indented 2 ems from the left margin; and

(B) by inserting before the period at the end the following: '', if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement''; and

(5) by adding at the end the following:

''(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

''(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

''(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

''(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

''(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).''.

(i) LABOR STANDARDS.—Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b) is amended—

(1) in paragraph (1), by striking ''Davis-Bacon Act (40 U.S.C. 276a–276a–5)'' and inserting ''Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C 276a et seq.)''; and

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

''(3) APPLICATION OF TRIBAL LAWS.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by one or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.''.

(j) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(A) by striking the item relating to section 206; and

(B) by striking the item relating to section 209 and inserting the following:

''209. Noncompliance with affordable housing requirement.''.

(2) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(3) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: ''Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1).''.

Subtitle B—Native Hawaiian Housing

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''Hawaiian Homelands Homeownership Act of 2000''.

SEC. 512. FINDINGS.

The Congress finds that—

(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

(2) the United States has a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians;

(3) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

(4) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), Native Hawaiians eligible to reside on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

(5) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

(6) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing problems in the United States, as the percentage—

(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

(i) 44 percent for American Indian and Alaska Native households in Indian country; and

(ii) 27 percent for all other households in the United States; and

(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3 percent for all other households in the United States;

(7) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (as added by this subtitle), eligible to reside on the Hawaiian Home Lands are the most severe, as—

(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

(8) applying the Department of Housing and Urban Development guidelines—

(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes below 30 percent of the median family income;

(9) ⅓ of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and ½ of those Native Hawaiians face overcrowding;

(10) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

(11) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

(12) under the treatymaking power of the United States, Congress had the constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(13) the United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(E) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

(14) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act of 1992 (106 Stat. 3434);

(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts Development Act (20 U.S.C. 4401 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(15) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

(B) the enactment of the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (73 Stat. 4)—

(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions of Native Hawaiians, as that term is defined in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.); and

(ii) by transferring the United States responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the National Housing Act (Public Law 479; 73d Congress; 12 U.S.C. 1701 et seq.);

(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101–235;

(E) the inclusion of Native Hawaiians in the definition under section 3764 of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C. 491, note prec.) which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Homes Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory.

SEC. 513. HOUSING ASSISTANCE.

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by adding at the end the following:

''TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

''SEC. 801. DEFINITIONS.

''In this title:

''(1) DEPARTMENT OF HAWAIIAN HOME LANDS; DEPARTMENT.—The term 'Department of Hawaiian Home Lands' or 'Department' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

''(2) DIRECTOR.—The term 'Director' means the Director of the Department of Hawaiian Home Lands.

''(3) ELDERLY FAMILIES; NEAR-ELDERLY FAMILIES.—

''(A) IN GENERAL.—The term 'elderly family' or 'near-elderly family' means a family whose head (or his or her spouse), or whose sole member, is—

''(i) for an elderly family, an elderly person; or

''(ii) for a near-elderly family, a near-elderly person.

''(B) CERTAIN FAMILIES INCLUDED.—The term 'elderly family' or 'near-elderly family' includes—

''(i) two or more elderly persons or near-elderly persons, as the case may be, living together; and

''(ii) one or more persons described in clause (i) living with one or more persons determined under the housing plan to be essential to their care or well-being.

''(4) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

''(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920(42 Stat. 110); or

''(B) are acquired pursuant to that Act.

''(5) HOUSING AREA.—The term 'housing area' means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this Act.

''(6) HOUSING ENTITY.—The term 'housing entity' means the Department of Hawaiian Home Lands.

''(7) HOUSING PLAN.—The term 'housing plan' means a plan developed by the Department of Hawaiian Home Lands.

''(8) MEDIAN INCOME.—The term 'median income' means, with respect to an area that is a Hawaiian housing area, the greater of—

''(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

''(B) the median income for the State of Hawaii.

''(9) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

''(i) genealogical records;

''(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

''(iii) birth records of the State of Hawaii.

''SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

''(a) GRANT AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make a grant under this title to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands.

''(b) PLAN REQUIREMENT.—

''(1) IN GENERAL.—The Secretary may make a grant under this title to the Department of Hawaiian Home Lands for a fiscal year only if—

''(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

''(B) the Secretary has determined under section 804 that the housing plan complies with the requirements of section 803.

''(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

''(c) USE OF AFFORDABLE HOUSING ACTIVITIES UNDER PLAN.—Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this title that are consistent with a housing plan approved under section 804.

''(d) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of any grant amounts received under this title for any reasonable administrative and planning expenses of the Department relating to carrying out this title and activities assisted with those amounts.

''(2) ADMINISTRATIVE AND PLANNING EXPENSES.—The administrative and planning expenses referred to in paragraph (1) include—

''(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title; and

''(B) expenses incurred in preparing a housing plan under section 803.

''(e) PUBLIC-PRIVATE PARTNERSHIPS.—The Director shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 803.

''SEC. 803. HOUSING PLAN.

''(a) PLAN SUBMISSION.—The Secretary shall—

''(1) require the Director to submit a housing plan under this section for each fiscal year; and

''(2) provide for the review of each plan submitted under paragraph (1).

''(b) FIVE-YEAR PLAN.—Each housing plan under this section shall—

''(1) be in a form prescribed by the Secretary; and

''(2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

''(A) MISSION STATEMENT.—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

''(B) GOAL AND OBJECTIVES.—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

''(C) ACTIVITIES PLANS.—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

''(c) ONE-YEAR PLAN.—A housing plan under this section shall—

''(1) be in a form prescribed by the Secretary; and

''(2) contain the following information relating to the fiscal year for which the assistance under this title is to be made available:

''(A) GOALS AND OBJECTIVES.—A statement of the goals and objectives to be accomplished during the period covered by the plan.

''(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

''(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

''(I) the geographical needs of those families; and

''(II) needs for various categories of housing assistance; and

''(ii) a description of the estimated housing needs for all families to be served by the Department.

''(C) FINANCIAL RESOURCES.—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

''(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this title, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

''(ii) the uses to which the resources described in clause (i) will be committed, including—

''(I) eligible and required affordable housing activities; and

''(II) administrative expenses.

''(D) AFFORDABLE HOUSING RESOURCES.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

''(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing;

''(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this title for—

''(I) rental assistance;

''(II) the production of new units;

''(III) the acquisition of existing units; or

''(IV) the rehabilitation of units;

''(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

''(I) the involvement of private, public, and nonprofit organizations and institutions;

''(II) the use of loan guarantees under section 184A of the Housing and Community Development Act of 1992; and

''(III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

''(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

''(v) a description of—

''(I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and

''(II) the requirements and assistance available under the programs referred to in subclause (I);

''(vi) a description of—

''(I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and

''(II) the requirements and assistance available under the programs referred to in subclause (I);

''(vii) a description of—

''(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

''(aa) transitional housing;

''(bb) homeless housing;

''(cc) college housing; and

''(dd) supportive services housing; and

''(II) the requirements and assistance available under such programs;

''(viii)(I) a description of any housing to be demolished or disposed of;

''(II) a timetable for that demolition or disposition; and

''(III) any other information required by the Secretary with respect to that demolition or disposition;

''(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

''(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

''(I) promote the safety of residents of the affordable housing;

''(II) facilitate the undertaking of crime prevention measures;

''(III) allow resident input and involvement, including the establishment of resident organizations; and

''(IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

''(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

''(E) CERTIFICATION OF COMPLIANCE.—Evidence of compliance that shall include, as appropriate—

''(i) a certification that the Department of Hawaiian Home Lands will comply with—

''(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out this title, to the extent that such title is applicable; and

''(II) other applicable Federal statutes;

''(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this title, in compliance with such requirements as may be established by the Secretary;

''(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title;

''(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this title; and

''(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this title.

''(d) APPLICABILITY OF CIVIL RIGHTS STATUTES.—

''(1) IN GENERAL.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C. 3601 et seq.) apply to assistance provided under this title, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this title—

''(A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or

''(B) to an eligible family on the basis that the family is a Native Hawaiian family.

''(2) CIVIL RIGHTS.—Program eligibility under this title may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated against on the basis of race, color, national origin, religion, sex, familial status, or disability.

''(e) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

''SEC. 804. REVIEW OF PLANS.

''(a) REVIEW AND NOTICE.—

''(1) REVIEW.—

''(A) IN GENERAL.—The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 803 to ensure that the plan complies with the requirements of that section.

''(B) LIMITATION.—The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

''(2) NOTICE.—

''(A) IN GENERAL.—Not later than 60 days after receiving a plan under section 803, the Secretary shall notify the Director of the Department of Hawaiian Home Lands whether the plan complies with the requirements under that section.

''(B) EFFECT OF FAILURE OF SECRETARY TO TAKE ACTION.—For purposes of this title, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

''(i) the plan shall be considered to have been determined to comply with the requirements under section 803; and

''(ii) the Director shall be considered to have been notified of compliance.

''(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan submitted under section 803 does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

''(1) the reasons for noncompliance; and

''(2) any modifications necessary for the plan to meet the requirements of section 803.

''(c) REVIEW.—

''(1) IN GENERAL.—After the Director of the Department of Hawaiian Home Lands submits a housing plan under section 803, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

''(A) set forth the information required by section 803 to be contained in the housing plan;

''(B) are consistent with information and data available to the Secretary; and

''(C) are not prohibited by or inconsistent with any provision of this Act or any other applicable law.

''(2) INCOMPLETE PLANS.—If the Secretary determines under this subsection that any of the appropriate certifications required under section 803(c)(2)(E) are not included in a plan, the plan shall be considered to be incomplete.

''(d) UPDATES TO PLAN.—

''(1) IN GENERAL.—Subject to paragraph (2), after a plan under section 803 has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 803(b) or for the 1-year period under section 803(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

''(2) COMPLETE PLANS.—The Director shall submit a complete plan under section 803 not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

''(e) EFFECTIVE DATE.—This section and section 803 shall take effect on the date provided by the Secretary pursuant to section 807(a) to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this title for fiscal year 2001.

''SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

''(a) PROGRAM INCOME.—

''(1) AUTHORITY TO RETAIN.—The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this title if—

''(A) that income was realized after the initial disbursement of the grant amounts received by the Department; and

''(B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this title.

''(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

''(A) whether the Department retains program income under paragraph (1); or

''(B) the amount of any such program income retained.

''(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

''(b) LABOR STANDARDS.—

''(1) IN GENERAL.—Any contract or agreement for assistance, sale, or lease pursuant to this title shall contain—

''(A) a provision requiring that an amount 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 architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

''(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act commonly known as the 'Davis-Bacon Act' (46 Stat. 1494; chapter 411; 40 U.S.C. 276a et seq.) shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

''(2) EXCEPTIONS.—Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this title, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

''SEC. 806. ENVIRONMENTAL REVIEW.

''(a) IN GENERAL.—

''(1) RELEASE OF FUNDS.—

''(A) IN GENERAL.—The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

''(i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title; and

''(ii) to the public undiminished protection of the environment.

''(B) ALTERNATIVE ENVIRONMENTAL PROTECTION PROCEDURE.—In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to the Department of Hawaiian Home Lands if the Director of the Department assumes all of the responsibilities for environmental review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

''(2) REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

''(B) CONTENTS.—The regulations issued under this paragraph shall—

''(i) provide for the monitoring of the environmental reviews performed under this section;

''(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

''(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

''(3) EFFECT ON ASSUMED RESPONSIBILITY.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

''(b) PROCEDURE.—

''(1) IN GENERAL.—The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

''(2) EFFECT OF APPROVAL.—The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the releases of funds for projects that are covered by that certification.

''(c) CERTIFICATION.—A certification under the procedures under this section shall—

''(1) be in a form acceptable to the Secretary;

''(2) be executed by the Director of the Department of Hawaiian Home Lands;

''(3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and

''(4) specify that the Director—

''(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

''(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director of the Department of Hawaiian Home Lands as such an official.

''SEC. 807. REGULATIONS.

''The Secretary shall issue final regulations necessary to carry out this title not later than October 1, 2001.

''SEC. 808. EFFECTIVE DATE.

''Except as otherwise expressly provided in this title, this title shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.

''SEC. 809. AFFORDABLE HOUSING ACTIVITIES.

''(a) NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.—

''(1) PRIMARY OBJECTIVE.—The national objectives of this title are—

''(A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;

''(B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;

''(C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State and local activities to further economic and community development;

''(D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and

''(E) to—

''(i) promote the development of private capital markets; and

''(ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

''(2) ELIGIBLE FAMILIES.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), assistance for eligible housing activities under this title shall be limited to low-income Native Hawaiian families.

''(B) EXCEPTION TO LOW-INCOME REQUIREMENT.—

''(i) IN GENERAL.—The Director may provide assistance for homeownership activities under—

''(I) section 810(b);

''(II) model activities under section 810(f); or

''(III) loan guarantee activities under section 184A of the Housing and Community Development Act of 1992 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

''(ii) LIMITATIONS.—The Secretary shall establish limitations on the amount of assistance that may be provided under this title for activities for families that are not low-income families.

''(C) OTHER FAMILIES.—Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title to a family that is not composed of Native Hawaiians if—

''(i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and

''(ii) the need for housing for the family cannot be reasonably met without the assistance.

''(D) PREFERENCE.—

''(i) IN GENERAL.—A housing plan submitted under section 803 may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

''(ii) APPLICATION.—In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this title are subject to that preference.

''(E) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

''SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

''(a) IN GENERAL.—Affordable housing activities under this section are activities conducted in accordance with the requirements of section 811 to—

''(1) develop or to support affordable housing for rental or homeownership; or

''(2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

''(b) ACTIVITIES.—The activities described in this subsection are the following:

''(1) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

''(A) real property acquisition;

''(B) site improvement;

''(C) the development of utilities and utility services;

''(D) conversion;

''(E) demolition;

''(F) financing;

''(G) administration and planning; and

''(H) other related activities.

''(2) HOUSING SERVICES.—The provision of housing-related services for affordable housing, including—

''(A) housing counseling in connection with rental or homeownership assistance;

''(B) the establishment and support of resident organizations and resident management corporations;

''(C) energy auditing;

''(D) activities related to the provisions of self-sufficiency and other services; and

''(E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

''(3) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including—

''(A) the preparation of work specifications;

''(B) loan processing;

''(C) inspections;

''(D) tenant selection;

''(E) management of tenant-based rental assistance; and

''(F) management of affordable housing projects.

''(4) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

''(5) MODEL ACTIVITIES.—Housing activities under model programs that are—

''(A) designed to carry out the purposes of this title; and

''(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

''SEC. 811. PROGRAM REQUIREMENTS.

''(a) RENTS.—

''(1) ESTABLISHMENT.—Subject to paragraph (2), as a condition to receiving grant amounts under this title, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this title, including methods by which such rents and homebuyer payments are determined.

''(2) MAXIMUM RENT.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this title, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

''(b) MAINTENANCE AND EFFICIENT OPERATION.—

''(1) IN GENERAL.—The Director shall, using amounts of any grants received under this title, reserve and use for operating under section 810 such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

''(2) DISPOSAL OF CERTAIN HOUSING.—This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

''(c) INSURANCE COVERAGE.—As a condition to receiving grant amounts under this title, the Director shall require adequate insurance coverage for housing units that are

owned or operated or assisted with grant amounts provided under this title.

''(d) ELIGIBILITY FOR ADMISSION.—As a condition to receiving grant amounts under this title, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title.

''(e) MANAGEMENT AND MAINTENANCE.—As a condition to receiving grant amounts under this title, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this title.

''SEC. 812. TYPES OF INVESTMENTS.

''(a) IN GENERAL.—Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have—

''(1) the discretion to use grant amounts for affordable housing activities through the use of—

''(A) equity investments;

''(B) interest-bearing loans or advances;

''(C) noninterest-bearing loans or advances;

''(D) interest subsidies;

''(E) the leveraging of private investments; or

''(F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and

''(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

''(b) INVESTMENTS.—The Director may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

''SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

''(a) IN GENERAL.—Housing shall qualify for affordable housing for purposes of this title only if—

''(1) each dwelling unit in the housing—

''(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

''(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

''(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

''(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

''(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

''(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

''(I) avoid termination of low-income affordability, in the case of foreclosure; or

''(II) transfer ownership in lieu of foreclosure; and

''(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

''(b) EXCEPTION.—Notwithstanding subsection (a), housing assisted pursuant to section 809(a)(2)(B) shall be considered affordable housing for purposes of this title.

''SEC. 814. LEASE REQUIREMENTS AND TENANT SELECTION.

''(a) LEASES.—Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the Director, owner, or manager shall use leases that—

''(1) do not contain unreasonable terms and conditions;

''(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

''(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

''(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

''(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

''(6) provide that the Director, owner, or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

''(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

''(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

''(C) is criminal activity (including drug-related criminal activity) on or off the premises.

''(b) TENANT OR HOMEBUYER SELECTION.—As a condition to receiving grant amounts under this title, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

''(1) are consistent with the purpose of providing housing for low-income families;

''(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

''(3) provide for—

''(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 803; and

''(B) the prompt notification in writing of any rejected applicant of the grounds for that rejection.

''SEC. 815. REPAYMENT.

''If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 813(a)(2), the Secretary shall—

''(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 819(a)(2)); or

''(2) require repayment to the Secretary of any amount equal to those grant amounts.

''SEC. 816. ANNUAL ALLOCATION.

''For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 817 to the Department of Hawaiian Home Lands if the Department complies with the requirements under this title for a grant under this title.

''SEC. 817. ALLOCATION FORMULA.

''(a) ESTABLISHMENT.—The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, in the manner provided under section 807, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this title in accordance with the requirements of this section.

''(b) FACTORS FOR DETERMINATION OF NEED.—The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

''(1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;

''(2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and

''(3) any other objectively measurable conditions that the Secretary and the Director may specify.

''(c) OTHER FACTORS FOR CONSIDERATION.—In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

''(1) geographic distribution within Hawaiian Home Lands; and

''(2) technical capacity.

''(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.

''SEC. 818. REMEDIES FOR NONCOMPLIANCE.

''(a) ACTIONS BY SECRETARY AFFECTING GRANT AMOUNTS.—

''(1) IN GENERAL.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary shall—

''(A) terminate payments under this title to the Department;

''(B) reduce payments under this title to the Department by an amount equal to the amount of such payments that were not expended in accordance with this title; or

''(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

''(2) ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

''(b) NONCOMPLIANCE BECAUSE OF A TECHNICAL INCAPACITY.—The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to

administer assistance provided under this title in compliance with the requirements under this title if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this title—

''(1) is not a pattern or practice of activities constituting willful noncompliance; and

''(2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

''(c) REFERRAL FOR CIVIL ACTION.—

''(1) AUTHORITY.—In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

''(2) CIVIL ACTION.—Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

''(A) to recover the amount of the assistance furnished under this title that was not expended in accordance with this title; or

''(B) for mandatory or injunctive relief.

''(d) REVIEW.—

''(1) IN GENERAL.—If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act, the Director—

''(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

''(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

''(2) PROCEDURE.—

''(A) IN GENERAL.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

''(B) OBJECTIONS.—No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

''(3) DISPOSITION.—

''(A) COURT PROCEEDINGS.—

''(i) JURISDICTION OF COURT.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

''(ii) FINDINGS OF FACT.—If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

''(iii) ADDITION.—The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

''(B) SECRETARY.—

''(i) IN GENERAL.—The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

''(I) may—

''(aa) modify the findings of fact of the Secretary; or

''(bb) make new findings; and

''(II) shall file—

''(aa) such modified or new findings; and

''(bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

''(ii) FINDINGS.—The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

''(I) supported by substantial evidence on the record; and

''(II) considered as a whole.

''(4) FINALITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

''(i) the jurisdiction of the court shall be exclusive; and

''(ii) the judgment of the court shall be final.

''(B) REVIEW BY SUPREME COURT.—A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code.

''SEC. 819. MONITORING OF COMPLIANCE.

''(a) ENFORCEABLE AGREEMENTS.—

''(1) IN GENERAL.—The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this title.

''(2) MEASURES.—The measures referred to in paragraph (1) shall provide for—

''(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this title by the Department and the Secretary; and

''(B) remedies for breach of the provisions referred to in paragraph (1).

''(b) PERIODIC MONITORING.—

''(1) IN GENERAL.—Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title.

''(2) REVIEW.—Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

''(3) RESULTS.—The results of each review under paragraph (1) shall be—

''(A) included in a performance report of the Director submitted to the Secretary under section 820; and

''(B) made available to the public.

''(c) PERFORMANCE MEASURES.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this title.

''SEC. 820. PERFORMANCE REPORTS.

''(a) REQUIREMENT.—For each fiscal year, the Director shall—

''(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 803; and

''(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

''(b) CONTENT.—Each report submitted under this section for a fiscal year shall—

''(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

''(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

''(3) indicate the programmatic accomplishments of the Department; and

''(4) describe the manner in which the Department would change its housing plan submitted under section 803 as a result of its experiences.

''(c) SUBMISSIONS.—The Secretary shall—

''(1) establish a date for submission of each report under this section;

''(2) review each such report; and

''(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this title.

''(d) PUBLIC AVAILABILITY.—

''(1) COMMENTS BY BENEFICIARIES.—In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

''(2) SUMMARY OF COMMENTS.—The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

''SEC. 821. REVIEW AND AUDIT BY SECRETARY.

''(a) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

''(A) the Director has—

''(i) carried out eligible activities under this title in a timely manner;

''(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws; and

''(iii) a continuing capacity to carry out the eligible activities in a timely manner;

''(B) the Director has complied with the housing plan submitted by the Director under section 803; and

''(C) the performance reports of the Department under section 821 are accurate.

''(2) ONSITE VISITS.—Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

''(b) REPORT BY SECRETARY.—The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

''(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of annual grants under this title in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

''SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.

''To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this title relate to amounts provided under this title, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed

by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

"SEC. 823. REPORTS TO CONGRESS.

''(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to Congress a report that contains—

''(1) a description of the progress made in accomplishing the objectives of this title;

''(2) a summary of the use of funds available under this title during the preceding fiscal year; and

''(3) a description of the aggregate outstanding loan guarantees under section 184A of the Housing and Community Development Act of 1992.

''(b) RELATED REPORTS.—The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

"SEC. 824. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.''.

SEC. 514. LOAN GUARANTEES.

Subtitle E of title I of the Housing and Community Development Act of 1992 is amended by inserting after section 184 (12 U.S.C. 1715z–13a) the following:

"SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

''(a) DEFINITIONS.—In this section:

''(1) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term 'Department of Hawaiian Home Lands' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and private nonprofit or private for-profit organizations experienced in the planning and development of affordable housing for Native Hawaiians.

''(3) FAMILY.—The term 'family' means one or more persons maintaining a household, as the Secretary shall by regulation provide.

''(4) GUARANTEE FUND.—The term 'Guarantee Fund' means the Native Hawaiian Housing Loan Guarantee Fund established under subsection (i).

''(5) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

''(A) have the status of Hawaiian Home Lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

''(B) are acquired pursuant to that Act.

''(6) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

''(i) genealogical records;

''(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

''(iii) birth records of the State of Hawaii.

''(7) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the entity of that name established under the constitution of the State of Hawaii.

''(b) AUTHORITY.—To provide access to sources of private financing to Native Hawaiian families who otherwise could not acquire housing financing because of the unique legal status of the Hawaiian Home Lands or as a result of a lack of access to private financial markets, the Secretary may guarantee an amount not to exceed 100 percent of the unpaid principal and interest that is due on an eligible loan under subsection (b).

''(c) ELIGIBLE LOANS.—Under this section, a loan is an eligible loan if that loan meets the following requirements:

''(1) ELIGIBLE BORROWERS.—The loan is made only to a borrower who is—

''(A) a Native Hawaiian family;

''(B) the Department of Hawaiian Home Lands;

''(C) the Office of Hawaiian Affairs; or

''(D) a private nonprofit organization experienced in the planning and development of affordable housing for Native Hawaiians.

''(2) ELIGIBLE HOUSING.—

''(A) IN GENERAL.—The loan will be used to construct, acquire, or rehabilitate not more than 4-family dwellings that are standard housing and are located on Hawaiian Home Lands for which a housing plan described in subparagraph (B) applies.

''(B) HOUSING PLAN.—A housing plan described in this subparagraph is a housing plan that—

''(i) has been submitted and approved by the Secretary under section 803 of the Native American Housing Assistance and Self-Determination Act of 1996; and

''(ii) provides for the use of loan guarantees under this section to provide affordable homeownership housing on Hawaiian Home Lands.

''(3) SECURITY.—The loan may be secured by any collateral authorized under applicable Federal or State law.

''(4) LENDERS.—

''(A) IN GENERAL.—The loan shall be made only by a lender approved by, and meeting qualifications established by, the Secretary, including any lender described in subparagraph (B), except that a loan otherwise insured or guaranteed by an agency of the Federal Government or made by the Department of Hawaiian Home Lands from amounts borrowed from the United States shall not be eligible for a guarantee under this section.

''(B) APPROVAL.—The following lenders shall be considered to be lenders that have been approved by the Secretary:

''(i) Any mortgagee approved by the Secretary for participation in the single family mortgage insurance program under title II of the National Housing Act (12 U.S.C.A. 1707 et seq.).

''(ii) Any lender that makes housing loans under chapter 37 of title 38, United States Code, that are automatically guaranteed under section 3702(d) of title 38, United States Code.

''(iii) Any lender approved by the Secretary of Agriculture to make guaranteed loans for single family housing under the Housing Act of 1949 (42 U.S.C.A. 1441 et seq.).

''(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government.

''(5) TERMS.—The loan shall—

''(A) be made for a term not exceeding 30 years;

''(B) bear interest (exclusive of the guarantee fee under subsection (d) and service charges, if any) at a rate agreed upon by the borrower and the lender and determined by the Secretary to be reasonable, but not to exceed the rate generally charged in the area (as determined by the Secretary) for home mortgage loans not guaranteed or insured by any agency or instrumentality of the Federal Government;

''(C) involve a principal obligation not exceeding—

''(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is $50,000 or less); or

''(ii) the amount approved by the Secretary under this section; and

''(D) involve a payment on account of the property—

''(i) in cash or its equivalent; or

''(ii) through the value of any improvements to the property made through the skilled or unskilled labor of the borrower, as the Secretary shall provide.

''(d) CERTIFICATE OF GUARANTEE.—

''(1) APPROVAL PROCESS.—

''(A) IN GENERAL.—Before the Secretary approves any loan for guarantee under this section, the lender shall submit the application for the loan to the Secretary for examination.

''(B) APPROVAL.—If the Secretary approves the application submitted under subparagraph (A), the Secretary shall issue a certificate under this subsection as evidence of the loan guarantee approved.

''(2) STANDARD FOR APPROVAL.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

''(3) EFFECT.—

''(A) IN GENERAL.—A certificate of guarantee issued under this subsection by the Secretary shall be conclusive evidence of the eligibility of the loan for guarantee under this section and the amount of that guarantee.

''(B) EVIDENCE.—The evidence referred to in subparagraph (A) shall be incontestable in the hands of the bearer.

''(C) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for the obligations made by the Secretary under this section.

''(4) FRAUD AND MISREPRESENTATION.—This subsection may not be construed—

''(A) to preclude the Secretary from establishing defenses against the original lender based on fraud or material misrepresentation; or

''(B) to bar the Secretary from establishing by regulations that are on the date of issuance or disbursement, whichever is earlier, partial defenses to the amount payable on the guarantee.

''(e) GUARANTEE FEE.—

''(1) IN GENERAL.—The Secretary shall fix and collect a guarantee fee for the guarantee of a loan under this section, which may not exceed the amount equal to 1 percent of the principal obligation of the loan.

''(2) PAYMENT.—The fee under this subsection shall—

''(A) be paid by the lender at time of issuance of the guarantee; and

''(B) be adequate, in the determination of the Secretary, to cover expenses and probable losses.

''(3) DEPOSIT.—The Secretary shall deposit any fees collected under this subsection in the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

''(f) LIABILITY UNDER GUARANTEE.—The liability under a guarantee provided under

this section shall decrease or increase on a pro rata basis according to any decrease or increase in the amount of the unpaid obligation under the provisions of the loan agreement involved.

''(g) TRANSFER AND ASSUMPTION.—Notwithstanding any other provision of law, any loan guaranteed under this section, including the security given for the loan, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the Federal Government or of any State or the District of Columbia.

''(h) DISQUALIFICATION OF LENDERS AND CIVIL MONEY PENALTIES.—

''(1) IN GENERAL.—

''(A) GROUNDS FOR ACTION.—The Secretary may take action under subparagraph (B) if the Secretary determines that any lender or holder of a guarantee certificate under subsection (c)—

''(i) has failed—

''(I) to maintain adequate accounting records;

''(II) to service adequately loans guaranteed under this section; or

''(III) to exercise proper credit or underwriting judgment; or

''(ii) has engaged in practices otherwise detrimental to the interest of a borrower or the United States.

''(B) ACTIONS.—Upon a determination by the Secretary that a holder of a guarantee certificate under subsection (c) has failed to carry out an activity described in subparagraph (A)(i) or has engaged in practices described in subparagraph (A)(ii), the Secretary may—

''(i) refuse, either temporarily or permanently, to guarantee any further loans made by such lender or holder;

''(ii) bar such lender or holder from acquiring additional loans guaranteed under this section; and

''(iii) require that such lender or holder assume not less than 10 percent of any loss on further loans made or held by the lender or holder that are guaranteed under this section.

''(2) CIVIL MONEY PENALTIES FOR INTENTIONAL VIOLATIONS.—

''(A) IN GENERAL.—The Secretary may impose a civil monetary penalty on a lender or holder of a guarantee certificate under subsection (d) if the Secretary determines that the holder or lender has intentionally failed—

''(i) to maintain adequate accounting records;

''(ii) to adequately service loans guaranteed under this section; or

''(iii) to exercise proper credit or underwriting judgment.

''(B) PENALTIES.—A civil monetary penalty imposed under this paragraph shall be imposed in the manner and be in an amount provided under section 536 of the National Housing Act (12 U.S.C.A. 1735f–1) with respect to mortgagees and lenders under that Act.

''(3) PAYMENT ON LOANS MADE IN GOOD FAITH.—Notwithstanding paragraphs (1) and (2), if a loan was made in good faith, the Secretary may not refuse to pay a lender or holder of a valid guarantee on that loan, without regard to whether the lender or holder is barred under this subsection.

''(i) PAYMENT UNDER GUARANTEE.—

''(1) LENDER OPTIONS.—

''(A) IN GENERAL.—

''(i) NOTIFICATION.—If a borrower on a loan guaranteed under this section defaults on the loan, the holder of the guarantee certificate shall provide written notice of the default to the Secretary.

''(ii) PAYMENT.—Upon providing the notice required under clause (i), the holder of the guarantee certificate shall be entitled to payment under the guarantee (subject to the provisions of this section) and may proceed to obtain payment in one of the following manners:

''(I) FORECLOSURE.—

''(aa) IN GENERAL.—The holder of the certificate may initiate foreclosure proceedings (after providing written notice of that action to the Secretary).

''(bb) PAYMENT.—Upon a final order by the court authorizing foreclosure and submission to the Secretary of a claim for payment under the guarantee, the Secretary shall pay to the holder of the certificate the pro rata portion of the amount guaranteed (as determined pursuant to subsection (f)) plus reasonable fees and expenses as approved by the Secretary.

''(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

''(II) NO FORECLOSURE.—

''(aa) IN GENERAL.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interest of the United States.

''(bb) PAYMENT.—Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (f)).

''(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

''(B) REQUIREMENTS.—Before any payment under a guarantee is made under subparagraph (A), the holder of the guarantee shall exhaust all reasonable possibilities of collection. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines to be appropriate.

''(2) LIMITATIONS ON LIQUIDATION.—

''(A) IN GENERAL.—If a borrower defaults on a loan guaranteed under this section that involves a security interest in restricted Hawaiian Home Land property, the mortgagee or the Secretary shall only pursue liquidation after offering to transfer the account to another eligible Hawaiian family or the Department of Hawaiian Home Lands.

''(B) LIMITATION.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

''(j) HAWAIIAN HOUSING LOAN GUARANTEE FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

''(2) CREDITS.—The Guarantee Fund shall be credited with—

''(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

''(B) any amounts appropriated pursuant to paragraph (7);

''(C) any guarantee fees collected under subsection (d); and

''(D) any interest or earnings on amounts invested under paragraph (4).

''(3) USE.—Amounts in the Guarantee Fund shall be available, to the extent provided in appropriations Acts, for—

''(A) fulfilling any obligations of the Secretary with respect to loans guaranteed under this section, including the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans;

''(B) paying taxes, insurance, prior liens, expenses necessary to make fiscal adjustment in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed under this section or held by the Secretary;

''(C) acquiring such security property at foreclosure sales or otherwise;

''(D) paying administrative expenses in connection with this section; and

''(E) reasonable and necessary costs of rehabilitation and repair to properties that the Secretary holds or owns pursuant to this section.

''(4) INVESTMENT.—Any amounts in the Guarantee Fund determined by the Secretary to be in excess of amounts currently required at the time of the determination to carry out this section may be invested in obligations of the United States.

''(5) LIMITATION ON COMMITMENTS TO GUARANTEE LOANS AND MORTGAGES.—

''(A) REQUIREMENT OF APPROPRIATIONS.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent, or in such amounts as are, or have been, provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.

''(B) LIMITATIONS ON COSTS OF GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropriations Acts to cover the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loan guarantees for such fiscal year. Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

''(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section for each of fiscal years 2001, 2002, 2003, 2004, and 2005 with an aggregate outstanding principal amount not exceeding $100,000,000 for each such fiscal year.

''(6) LIABILITIES.—All liabilities and obligations of the assets credited to the Guarantee Fund under paragraph (2)(A) shall be liabilities and obligations of the Guarantee Fund.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

''(k) REQUIREMENTS FOR STANDARD HOUSING.—

''(1) IN GENERAL.—The Secretary shall, by regulation, establish housing safety and quality standards to be applied for use under this section.

''(2) STANDARDS.—The standards referred to in paragraph (1) shall—

''(A) provide sufficient flexibility to permit the use of various designs and materials in housing acquired with loans guaranteed under this section; and

''(B) require each dwelling unit in any housing acquired in the manner described in subparagraph (A) to—

''(i) be decent, safe, sanitary, and modest in size and design;

''(ii) conform with applicable general construction standards for the region in which the housing is located;

''(iii) contain a plumbing system that—

''(I) uses a properly installed system of piping;

''(II) includes a kitchen sink and a partitional bathroom with lavatory, toilet, and bath or shower; and

''(III) uses water supply, plumbing, and sewage disposal systems that conform to any minimum standards established by the applicable county or State;

''(iv) contain an electrical system using wiring and equipment properly installed to safely supply electrical energy for adequate lighting and for operation of appliances that conforms to any appropriate county, State, or national code;

''(v) be not less than the size provided under the applicable locally adopted standards for size of dwelling units, except that the Secretary, upon request of the Department of Hawaiian Home Lands may waive the size requirements under this paragraph; and

''(vi) conform with the energy performance requirements for new construction established by the Secretary under section 526(a) of the National Housing Act (12 U.S.C.A. 1735f–4), unless the Secretary determines that the requirements are not applicable.

''(l) APPLICABILITY OF CIVIL RIGHTS STATUTES.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C.A. 3601 et seq.) apply to a guarantee provided under this subsection, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of the guarantee to an eligible entity on the basis that the entity serves Native Hawaiian families or is a Native Hawaiian family.''.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

SEC. 601. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the ''Manufactured Housing Improvement Act of 2000''.

(b) REFERENCES.—Whenever in this title an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

SEC. 602. FINDINGS AND PURPOSES.

Section 602 (42 U.S.C. 5401) is amended to read as follows:

''SEC. 602. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

''(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

''(b) PURPOSES.—The purposes of this title are—

''(1) to protect the quality, durability, safety, and affordability of manufactured homes;

''(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

''(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;

''(4) to encourage innovative and cost-effective construction techniques for manufactured homes;

''(5) to protect residents of manufactured homes with respect to personal injuries and the amount of insurance costs and property damages in manufactured housing, consistent with the other purposes of this section;

''(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

''(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

''(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.''.

SEC. 603. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking ''dealer'' and inserting ''retailer'';

(2) in paragraph (12), by striking ''and'' at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(14) 'administering organization' means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards through a development process;

''(15) 'consensus committee' means the committee established under section 604(a)(3);

''(16) 'consensus standards development process' means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

''(17) 'primary inspection agency' means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

''(18) 'design approval primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

''(19) 'installation standards' means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems;

''(20) 'monitoring' means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 623, in accordance with regulations promulgated under this title, giving due consideration to the recommendations of the consensus committee under section 604(b), which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this title; and

''(21) 'production inspection primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated hereunder, including the inspection of homes in the plant.''.

(b) CONFORMING AMENDMENTS.—The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) in section 613 (42 U.S.C. 5412), by striking ''dealer'' each place it appears and inserting ''retailer'';

(2) in section 614(f) (42 U.S.C. 5413(f)), by striking ''dealer'' each place it appears and inserting ''retailer'';

(3) in section 615 (42 U.S.C. 5414)—

(A) in subsection (b)(1), by striking ''dealer'' and inserting ''retailer'';

(B) in subsection (b)(3), by striking ''dealer or dealers'' and inserting ''retailer or retailers''; and

(C) in subsections (d) and (f), by striking ''dealers'' each place it appears and inserting ''retailers'';

(4) in section 616 (42 U.S.C. 5415), by striking ''dealer'' and inserting ''retailer''; and

(5) in section 623(c)(9), by striking ''dealers'' and inserting ''retailers''.

SEC. 604. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) ESTABLISHMENT.—

''(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

''(A) shall—

''(i) be reasonable and practical;

''(ii) meet high standards of protection consistent with the purposes of this title; and

''(iii) be performance-based and objectively stated, unless clearly inappropriate; and

''(B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

''(2) CONSENSUS STANDARDS AND REGULATORY DEVELOPMENT PROCESS.—

''(A) INITIAL AGREEMENT.—Not later than 180 days after the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall enter into a contract with an administering organization. The contractual agreement shall—

''(i) terminate on the date on which a contract is entered into under subparagraph (B); and

''(ii) require the administering organization to—

''(I) recommend the initial members of the consensus committee under paragraph (3);

''(II) administer the consensus standards development process until the termination of that agreement; and

''(III) administer the consensus development and interpretation process for procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring until the termination of that agreement.

''(B) COMPETITIVELY PROCURED CONTRACT.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in section 4 of the Office of Federal Procurement Policy Act), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations, and regulations specifying the permissible scope and conduct of monitoring, in accordance with this title.

''(C) PERFORMANCE REVIEW.—The Secretary—

''(i) shall periodically review the performance of the administering organization; and

''(ii) may replace the administering organization with another qualified technical or building code organization, pursuant to competitive procedures, if the Secretary determines in writing that the administering organization is not fulfilling the terms of the agreement or contract to which the administering organization is subject or upon the expiration of the agreement or contract.

''(3) CONSENSUS COMMITTEE.—

''(A) PURPOSE.—There is established a committee to be known as the 'consensus committee', which shall, in accordance with this title—

''(i) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

''(ii) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with subsection (b);

''(iii) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation; and

''(iv) be deemed to be an advisory committee not composed of Federal employees.

''(B) MEMBERSHIP.—The consensus committee shall be composed of—

''(i) 21 voting members appointed by the Secretary, after consideration of the recommendations of the administering organization, from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and

''(ii) 1 nonvoting member appointed by the Secretary to represent the Secretary on the consensus committee.

''(C) DISAPPROVAL.—The Secretary shall state, in writing, the reasons for failing to appoint any individual recommended under paragraph (2)(A)(ii)(I).

''(D) SELECTION PROCEDURES AND REQUIREMENTS.—Each member of the consensus committee shall be appointed in accordance with selection procedures, which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), except that the American National Standards Institute interest categories shall be modified for purposes of this paragraph to ensure equal representation on the consensus committee of the following interest categories:

''(i) PRODUCERS.—Seven producers or retailers of manufactured housing.

''(ii) USERS.—Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.

''(iii) GENERAL INTEREST AND PUBLIC OFFICIALS.—Seven general interest and public official members.

''(E) BALANCING OF INTERESTS.—

''(i) IN GENERAL.—In order to achieve a proper balance of interests on the consensus committee, the Secretary, in appointing the members of the consensus committee—

''(I) shall ensure that all directly and materially affected interests have the opportunity for fair and equitable participation without dominance by any single interest; and

''(II) may reject the appointment of any 1 or more individuals in order to ensure that there is not dominance by any single interest.

''(ii) DOMINANCE DEFINED.—In this subparagraph, the term 'dominance' means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

''(F) ADDITIONAL QUALIFICATIONS.—

''(i) FINANCIAL INDEPENDENCE.—No individual appointed under subparagraph (D)(ii) shall have, and 3 of the individuals appointed under subparagraph (D)(iii) shall not have—

''(I) a significant financial interest in any segment of the manufactured housing industry; or

''(II) a significant relationship to any person engaged in the manufactured housing industry.

''(ii) POST-EMPLOYMENT BAN.—Each individual described in clause (i) shall be subject to a ban disallowing compensation from the manufactured housing industry during the period of, and during the 1-year following, the membership of the individual on the consensus committee.

''(G) MEETINGS.—

''(i) NOTICE; OPEN TO PUBLIC.—The consensus committee shall provide advance notice of each meeting of the consensus committee to the Secretary and cause to be published in the Federal Register advance notice of each such meeting. All meetings of the consensus committee shall be open to the public.

''(ii) REIMBURSEMENT.—Members of the consensus committee in attendance at meetings of the consensus committee shall be reimbursed for their actual expenses as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

''(H) ADMINISTRATION.—The consensus committee and the administering organization shall—

''(i) operate in conformance with the procedures established by the American National Standards Institute for the development and coordination of American National Standards; and

''(ii) apply to the American National Standards Institute and take such other actions as may be necessary to obtain accreditation from the American National Standards Institute.

''(I) STAFF AND TECHNICAL SUPPORT.—The administering organization shall, upon the request of the consensus committee—

''(i) provide reasonable staff resources to the consensus committee; and

''(ii) furnish technical support in a timely manner to any of the interest categories described in subparagraph (D) represented on the consensus committee, if—

''(I) the support is necessary to ensure the informed participation of the consensus committee members; and

''(II) the costs of providing the support are reasonable.

''(J) DATE OF INITIAL APPOINTMENTS.—The initial appointments of all of the members of the consensus committee shall be completed not later than 90 days after the date on which a contractual agreement under paragraph (2)(A) is entered into with the administering organization.

''(4) REVISIONS OF STANDARDS.—

''(A) IN GENERAL.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—

''(i) consider revisions to the Federal manufactured home construction and safety standards; and

''(ii) submit proposed revised standards, if approved in a vote of the consensus committee by ⅔ of the members, to the Secretary in the form of a proposed rule, including an economic analysis.

''(B) PUBLICATION OF PROPOSED REVISED STANDARDS.—

''(i) PUBLICATION BY SECRETARY.—The consensus committee shall provide a proposed revised standard under subparagraph (A)(ii) to the Secretary who shall, not later than 30 days after receipt, cause such proposed revised standard to be published in the Federal Register for notice and comment in accordance with section 553 of title 5, United States Code. Unless clause (ii) applies, the Secretary shall provide an opportunity for public comment on such proposed revised standard in accordance with such section 553 and any such comments shall be submitted directly to the consensus committee, without delay.

''(ii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS.—If the Secretary rejects the proposed revised standard, the Secretary shall cause to be published in the Federal Register the rejected proposed revised standard, the reasons for rejection, and any recommended modifications set forth.

''(C) PRESENTATION OF PUBLIC COMMENTS; PUBLICATION OF RECOMMENDED REVISIONS.—

''(i) PRESENTATION.—Any public comments, views, and objections to a proposed revised standard published under subparagraph (B) shall be presented by the Secretary to the consensus committee upon their receipt and in the manner received, in accordance with procedures established by the American National Standards Institute.

''(ii) PUBLICATION BY THE SECRETARY.—The consensus committee shall provide to the Secretary any revision proposed by the consensus committee, which the Secretary shall, not later than 30 calendar days after receipt, cause to be published in the Federal Register a notice of the recommended revisions of the consensus committee to the standards, a notice of the submission of the recommended revisions to the Secretary, and a description of the circumstances under which the proposed revised standards could become effective.

''(iii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS.—If the Secretary rejects

the proposed revised standard, the Secretary shall cause to be published in the Federal Register the rejected proposed revised standard, the reasons for rejection, and any recommended modifications set forth.

''(5) REVIEW BY THE SECRETARY.—

''(A) IN GENERAL.—The Secretary shall either adopt, modify, or reject a standard, as submitted by the consensus committee under paragraph (4)(A).

''(B) TIMING.—Not later than 12 months after the date on which a standard is submitted to the Secretary by the consensus committee, the Secretary shall take action regarding such standard under subparagraph (C).

''(C) PROCEDURES.—If the Secretary—

''(i) adopts a standard recommended by the consensus committee, the Secretary shall—

''(I) issue a final order without further rulemaking; and

''(II) cause the final order to be published in the Federal Register;

''(ii) determines that any standard should be rejected, the Secretary shall—

''(I) reject the standard; and

''(II) cause to be published in the Federal Register a notice to that effect, together with the reason or reasons for rejecting the proposed standard; or

''(iii) determines that a standard recommended by the consensus committee should be modified, the Secretary shall—

''(I) cause to be published in the Federal Register the proposed modified standard, together with an explanation of the reason or reasons for the determination of the Secretary; and

''(II) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(D) FINAL ORDER.—Any final standard under this paragraph shall become effective pursuant to subsection (c).

''(6) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (5) and to cause notice of the action to be published in the Federal Register before the expiration of the 12-month period beginning on the date on which the proposed revised standard is submitted to the Secretary under paragraph (4)(A)—

''(A) the Secretary shall appear in person before the appropriate housing and appropriations subcommittees and committees of the House of Representatives and the Senate (referred to in this paragraph as the 'committees') on a date or dates to be specified by the committees, but in no event later than 30 days after the expiration of that 12-month period, and shall state before the committees the reasons for failing to take final action as required under paragraph (5); and

''(B) if the Secretary does not appear in person as required under subparagraph (A), the Secretary shall thereafter, and until such time as the Secretary does appear as required under subparagraph (A), be prohibited from expending any funds collected under authority of this title in an amount greater than that collected and expended in the fiscal year immediately preceding the date of enactment of the Manufactured Housing Improvement Act of 2000, indexed for inflation as determined by the Congressional Budget Office.

''(b) OTHER ORDERS.—

''(1) REGULATIONS.—The Secretary may issue procedural and enforcement regulations and revisions to existing regulations as necessary to implement the provisions of this title. The consensus committee may submit to the Secretary proposed procedural and enforcement regulations and recommendations for the revision of such regulations.

''(2) INTERPRETATIVE BULLETINS.—The Secretary may issue interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. The consensus committee may submit to the Secretary proposed interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation.

''(3) REVIEW BY CONSENSUS COMMITTEE.—Before issuing a procedural or enforcement regulation or an interpretative bulletin—

''(A) the Secretary shall—

''(i) submit the proposed procedural or enforcement regulation or interpretative bulletin to the consensus committee; and

''(ii) provide the consensus committee with a period of 120 days to submit written comments to the Secretary on the proposed procedural or enforcement regulation or the interpretative bulletin; and

''(B) if the Secretary rejects any significant comment provided by the consensus committee under subparagraph (A), the Secretary shall provide a written explanation of the reasons for the rejection to the consensus committee; and

''(C) following compliance with subparagraphs (A) and (B), the Secretary shall—

''(i) cause the proposed regulation or interpretative bulletin and the consensus committee's written comments, along with the Secretary's response thereto, to be published in the Federal Register; and

''(ii) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(4) REQUIRED ACTION.—Not later than 120 days after the date on which the Secretary receives a proposed regulation or interpretative bulletin submitted by the consensus committee, the Secretary shall—

''(A) approve the proposal and cause the proposed regulation or interpretative bulletin to be published for public comment in accordance with section 553 of title 5, United States Code; or

''(B) reject the proposed regulation or interpretative bulletin and—

''(i) provide to the consensus committee a written explanation of the reasons for rejection; and

''(ii) cause to be published in the Federal Register the rejected proposed regulation or interpretive bulletin, the reasons for rejection, and any recommended modifications set forth.

''(5) AUTHORITY TO ACT AND EMERGENCY.—If the Secretary determines, in writing, that such action is necessary to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation following a request by the Secretary, or in order to respond to an emergency that jeopardizes the public health or safety, the Secretary may issue an order that is not developed under the procedures set forth in subsection (a) or in this subsection, if the Secretary—

''(A) provides to the consensus committee a written description and sets forth the reasons why action is necessary and all supporting documentation; and

''(B) issues the order after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code, and causes the order to be published in the Federal Register.

''(6) CHANGES.—Any statement of policies, practices, or procedures relating to construction and safety standards, regulations, inspections, monitoring, or other enforcement activities that constitutes a statement of general or particular applicability to implement, interpret, or prescribe law or policy by the Secretary is subject to subsection (a) or this subsection. Any change adopted in violation of subsection (a) or this subsection is void.

''(7) TRANSITION.—Until the date on which the consensus committee is appointed pursuant to section 604(a)(3), the Secretary may issue proposed orders, pursuant to notice and comment in accordance with section 553 of title 5, United States Code, that are not developed under the procedures set forth in this section for new and revised standards.'';

(2) in subsection (d), by adding at the end the following: ''Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this title. Subject to section 605, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State, and for the foundations on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards, except that such standards shall be consistent with the purposes of this title and shall be consistent with the design of the manufacturer.'';

(3) by striking subsection (e);

(4) in subsection (f), by striking the subsection designation and all of the matter that precedes paragraph (1) and inserting the following:

''(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS AND REGULATIONS.—The consensus committee, in recommending standards, regulations, and interpretations, and the Secretary, in establishing standards or regulations or issuing interpretations under this section, shall—'';

(5) by striking subsection (g);

(6) in the first sentence of subsection (j), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(7) by redesignating subsections (h), (i), and (j), as subsections (f), (g), and (h), respectively.

SEC. 605. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL; MANUFACTURED HOME INSTALLATION.

(a) IN GENERAL.—Section 605 (42 U.S.C. 5404) is amended to read as follows:

''SEC. 605. MANUFACTURED HOME INSTALLATION.

''(a) PROVISION OF INSTALLATION DESIGN AND INSTRUCTIONS.—A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency. After establishment of model standards under subsection (b)(2), a design approval primary inspection agency may not give such approval unless a design and instruction provides equal or greater protection than the protection provided under such model standards.

''(b) MODEL MANUFACTURED HOME INSTALLATION STANDARDS.—

''(1) PROPOSED MODEL STANDARDS.—Not later than 18 months after the date on which the initial appointments of all of the members of the consensus committee are completed, the consensus committee shall develop and submit to the Secretary proposed

model manufactured home installation standards, which shall, to the maximum extent practicable, taking into account the factors described in section 604(e), be consistent with—

''(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

''(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

''(2) ESTABLISHMENT OF MODEL STANDARDS.—Not later than 12 months after receiving the proposed model standards submitted under paragraph (1), the Secretary shall develop and establish model manufactured home installation standards, which shall, to the maximum extent practicable, taking into account the factors described in section 604(e), be consistent with—

''(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

''(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

''(3) FACTORS FOR CONSIDERATION.—

''(A) CONSENSUS COMMITTEE.—In developing the proposed model standards under paragraph (1), the consensus committee shall consider the factors described in section 604(e).

''(B) SECRETARY.—In developing and establishing the model standards under paragraph (2), the Secretary shall consider the factors described in section 604(e).

''(4) ISSUANCE.—The model manufactured home installation standards shall be issued after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(c) MANUFACTURED HOME INSTALLATION PROGRAMS.—

''(1) PROTECTION OF MANUFACTURED HOUSING RESIDENTS DURING INITIAL PERIOD.—During the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, no State or manufacturer may establish or implement any installation standards that, in the determination of the Secretary, provide less protection to the residents of manufactured homes than the protection provided by the installation standards in effect with respect to the State or manufacturer, as applicable, on the date of enactment of the Manufactured Housing Improvement Act of 2000.

''(2) INSTALLATION STANDARDS.—

''(A) ESTABLISHMENT OF INSTALLATION PROGRAM.—Not later than the expiration of the 5-year period described in paragraph (1), the Secretary shall establish an installation program that meets the requirements of paragraph (3) for the enforcement of installation standards in each State described in subparagraph (B) of this paragraph.

''(B) IMPLEMENTATION OF INSTALLATION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the installation program established under subparagraph (A) in each State that does not have an installation program established by State law that meets the requirements of paragraph (3).

''(C) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out subparagraph (B), the Secretary may contract with an appropriate agent to implement the installation program established under that subparagraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.

''(3) REQUIREMENTS.—An installation program meets the requirements of this paragraph if it is a program regulating the installation of manufactured homes that includes—

''(A) installation standards that, in the determination of the Secretary, provide protection to the residents of manufactured homes that equals or exceeds the protection provided to those residents by—

''(i) the model manufactured home installation standards established by the Secretary under subsection (b)(2); or

''(ii) the designs and instructions provided by manufacturers under subsection (a), if the Secretary determines that such designs and instructions provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the model manufactured home installation standards established by the Secretary under subsection (b)(2);

''(B) the training and licensing of manufactured home installers; and

''(C) inspection of the installation of manufactured homes.''.

(b) CONFORMING AMENDMENTS.—Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) by redesignating paragraph (11) as paragraph (13); and

(3) by inserting after paragraph (10) the following:

''(11) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for an installation program established by State law that meets the requirements of section 605(c)(3);''.

SEC. 606. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting ''to the Secretary'' after ''submit''; and

(B) by adding at the end the following: ''The Secretary shall submit such cost and other information to the consensus committee for evaluation.'';

(2) in subsection (d), by inserting '', the consensus committee,'' after ''public''; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 607. RESEARCH, TESTING, DEVELOPMENT, AND TRAINING.

(a) IN GENERAL.—Section 608(a) (42 U.S.C. 5407(a)) is amended—

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

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(4) encouraging the government-sponsored housing entities to actively develop and implement secondary market securitization programs for the FHA manufactured home loans and those of other loan programs, as appropriate, thereby promoting the availability of affordable manufactured homes to increase homeownership for all people in the United States; and

''(5) reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes, including changes in loan terms, amortization periods, regulations, and procedures.''.

(b) DEFINITIONS.—Section 608 (42 U.S.C. 5407) is amended by adding at the end the following:

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) GOVERNMENT-SPONSORED HOUSING ENTITIES.—The term 'government-sponsored housing entities' means the Government National Mortgage Association of the Department of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

''(2) FHA MANUFACTURED HOME LOAN.—The term 'FHA manufactured home loan' means a loan that—

''(A) is insured under title I of the National Housing Act and is made for the purpose of financing alterations, repairs, or improvements on or in connection with an existing manufactured home, the purchase of a manufactured home, the purchase of a manufactured home and a lot on which to place the home, or the purchase only of a lot on which to place a manufactured home; or

''(B) is otherwise insured under the National Housing Act and made for or in connection with a manufactured home.''.

SEC. 608. PROHIBITED ACTS.

Section 610(a) (42 U.S.C. 5409(a)) is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

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

''(7) after the expiration of the period specified in section 605(c)(2)(B), fail to comply with the requirements for the installation program required by section 605 in any State that has not adopted and implemented a State installation program.''.

SEC. 609. FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

''SEC. 620. AUTHORITY TO COLLECT FEE.

''(a) IN GENERAL.—In carrying out inspections under this title, in developing standards and regulations pursuant to section 604, and in facilitating the acceptance of the affordability and availability of manufactured housing within the Department, the Secretary may—

''(1) establish and collect from manufactured home manufacturers a reasonable fee, as may be necessary to offset the expenses incurred by the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

''(A) conducting inspections and monitoring;

''(B) providing funding to States for the administration and implementation of approved State plans under section 623, including reasonable funding for cooperative educational and training programs designed to facilitate uniform enforcement under this title, which funds may be paid directly to the States or may be paid or provided to any person or entity designated to receive and disburse such funds by cooperative agreements among participating States, provided that such person or entity is not otherwise an agent of the Secretary under this title;

''(C) providing the funding for a noncareer administrator within the Department to administer the manufactured housing program;

''(D) providing the funding for salaries and expenses of employees of the Department to carry out the manufactured housing program;

''(E) administering the consensus committee as set forth in section 604;

''(F) facilitating the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department; and

''(G) the administration and enforcement of the installation standards authorized by section 605 in States in which the Secretary is required to implement an installation program after the expiration of the 5-year period set forth in section 605(c)(2)(B), and the administration and enforcement of a dispute resolution program described in section 623(c)(12) in States in which the Secretary is required to implement such a program after the expiration of the 5-year period set forth in section 623(g)(2); and

''(2) subject to subsection (e), use amounts from any fee collected under paragraph (1) of this subsection to pay expenses referred to in that paragraph, which shall be exempt and separate from any limitations on the Department regarding full-time equivalent positions and travel.

''(b) CONTRACTORS.—In using amounts from any fee collected under this section, the Secretary shall ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title.

''(c) PROHIBITED USE.—No amount from any fee collected under this section may be used for any purpose or activity not specifically authorized by this title, unless such activity was already engaged in by the Secretary prior to the date of enactment of the Manufactured Housing Improvement Act of 2000.

''(d) MODIFICATION.—Beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the amount of any fee collected under this section may only be modified—

''(1) as specifically authorized in advance in an annual appropriations Act; and

''(2) pursuant to rulemaking in accordance with section 553 of title 5, United States Code.

''(e) APPROPRIATION AND DEPOSIT OF FEES.—

''(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Manufactured Housing Fees Trust Fund' for deposit of amounts from any fee collected under this section. Such amounts shall be held in trust for use only as provided in this title.

''(2) APPROPRIATION.—Amounts from any fee collected under this section shall be available for expenditure only to the extent approved in advance in an annual appropriations Act. Any change in the expenditure of such amounts shall be specifically authorized in advance in an annual appropriations Act.

''(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act of 2000, the Secretary shall continue to fund the States having approved State plans in the amounts which are not less than the allocated amounts, based on the fee distribution system in effect on the day before such effective date.''.

SEC. 610. DISPUTE RESOLUTION.

Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) by inserting after paragraph (11) (as added by the preceding provisions of this title) the following:

''(12) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes regarding responsibility, and for the issuance of appropriate orders, for the correction or repair of defects in manufactured homes that are reported during the 1-year period beginning on the date of installation; and''; and

(2) by adding at the end the following:

''(g) ENFORCEMENT OF DISPUTE RESOLUTION STANDARDS.—

''(1) ESTABLISHMENT OF DISPUTE RESOLUTION PROGRAM.—Not later than the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall establish a dispute resolution program that meets the requirements of subsection (c)(12) for dispute resolution in each State described in paragraph (2) of this subsection. The order establishing the dispute resolution program shall be issued after notice and opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(2) IMPLEMENTATION OF DISPUTE RESOLUTION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the dispute resolution program established under paragraph (1) in each State that has not established a dispute resolution program that meets the requirements of subsection (c)(12).

''(3) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out paragraph (2), the Secretary may contract with an appropriate agent to implement the dispute resolution program established under paragraph (2), except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.''.

SEC. 611. ELIMINATION OF ANNUAL REPORTING REQUIREMENT.

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) by striking section 626 (42 U.S.C. 5425); and

(2) by redesignating sections 627 and 628 (42 U.S.C. 5426, 5401 note) as sections 626 and 627, respectively.

SEC. 612. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before that date of enactment.

SEC. 613. SAVINGS PROVISIONS.

(a) STANDARDS AND REGULATIONS.—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974) and all regulations pertaining thereto in effect on the day before the date of enactment of this Act shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation that is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this title.

(b) CONTRACTS.—Any contract awarded pursuant to a Request for Proposal issued before the date of enactment of this Act shall remain in effect until the earlier of—

(1) the expiration of the 2-year period beginning on the date of enactment of this Act; or

(2) the expiration of the contract term.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

SEC. 701. GUARANTEES FOR REFINANCING OF RURAL HOUSING LOANS.

Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

''(13) GUARANTEES FOR REFINANCING LOANS.—

''(A) IN GENERAL.—Upon the request of the borrower, the Secretary shall, to the extent provided in appropriation Acts and subject to subparagraph (F), guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the requirements of this paragraph.

''(B) INTEREST RATE.—To be eligible for a guarantee under this paragraph, the refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

''(C) SECURITY.—To be eligible for a guarantee under this paragraph, the refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

''(D) AMOUNT.—To be eligible for a guarantee under this paragraph, the principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 200 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

''(E) OTHER REQUIREMENTS.—The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), (6)(A), (7), and (9) shall apply to loans guaranteed under this paragraph, and no other provisions of paragraphs (1) through (12) shall apply to such loans.

''(F) AUTHORITY TO ESTABLISH LIMITATION.—The Secretary may establish limitations on the number of loans guaranteed under this paragraph, which shall be based on market conditions and other factors as the Secretary considers appropriate.''.

SEC. 702. PROMISSORY NOTE REQUIREMENT UNDER HOUSING REPAIR LOAN PROGRAM.

The fourth sentence of section 504(a) of the Housing Act of 1949 (42 U.S.C. 1474(a)) is amended by striking ''$2,500'' and inserting ''$7,500''.

SEC. 703. LIMITED PARTNERSHIP ELIGIBILITY FOR FARM LABOR HOUSING LOANS.

The first sentence of section 514(a) of the Housing Act of 1949 (42 U.S.C. 1484(a)) is amended by striking ''nonprofit limited partnership'' and inserting ''limited partnership''.

SEC. 704. PROJECT ACCOUNTING RECORDS AND PRACTICES.

Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by striking subsection (z) and inserting the following new subsections:

''(z) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

''(1) ACCOUNTING STANDARDS.—The Secretary shall require that borrowers in programs authorized by this section maintain accounting records in accordance with generally accepted accounting principles for all projects that receive funds from loans made or guaranteed by the Secretary under this section.

''(2) RECORD RETENTION REQUIREMENTS.—The Secretary shall require that borrowers in programs authorized by this section retain for a period of not less than 6 years and make available to the Secretary in a manner determined by the Secretary, all records required to be maintained under this subsection and other records identified by the Secretary in applicable regulations.

''(aa) DOUBLE DAMAGES FOR UNAUTHORIZED USE OF HOUSING PROJECTS ASSETS AND INCOME.—

''(1) ACTION TO RECOVER ASSETS OR INCOME.—

''(A) IN GENERAL.—The Secretary may request the Attorney General to bring an action in a United States district court to recover any assets or income used by any person in violation of the provisions of a loan made or guaranteed by the Secretary under this section or in violation of any applicable statute or regulation.

''(B) IMPROPER DOCUMENTATION.—For purposes of this subsection, a use of assets or income in violation of the applicable loan, loan guarantee, statute, or regulation shall include any use for which the documentation in the books and accounts does not establish that the use was made for a reasonable operating expense or necessary repair of the project or for which the documentation has not been maintained in accordance with the requirements of the Secretary and in reasonable condition for proper audit.

''(C) DEFINITION.—For the purposes of this subsection, the term 'person' means—

''(i) any individual or entity that borrows funds in accordance with programs authorized by this section;

''(ii) any individual or entity holding 25 percent or more interest of any entity that borrows funds in accordance with programs authorized by this section; and

''(iii) any officer, director, or partner of an entity that borrows funds in accordance with programs authorized by this section.

''(2) AMOUNT RECOVERABLE.—

''(A) IN GENERAL.—In any judgment favorable to the United States entered under this subsection, the Attorney General may recover double the value of the assets and income of the project that the court determines to have been used in violation of the provisions of a loan made or guaranteed by the Secretary under this section or any applicable statute or regulation, plus all costs related to the action, including reasonable attorney and auditing fees.

''(B) APPLICATION OF RECOVERED FUNDS.—Notwithstanding any other provision of law, the Secretary may use amounts recovered under this subsection for activities authorized under this section and such funds shall remain available for such use until expended.

''(3) TIME LIMITATION.—Notwithstanding any other provision of law, an action under this subsection may be commenced at any time during the 6-year period beginning on the date that the Secretary discovered or should have discovered the violation of the provisions of this section or any related statutes or regulations.

''(4) CONTINUED AVAILABILITY OF OTHER REMEDIES.—The remedy provided in this subsection is in addition to and not in substitution of any other remedies available to the Secretary or the United States.''.

SEC. 705. DEFINITION OF RURAL AREA.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking ''1990 decennial census'' and inserting ''1990 or 2000 decennial census''; and

(2) by striking ''year 2000'' and inserting ''year 2010''.

SEC. 706. OPERATING ASSISTANCE FOR MIGRANT FARMWORKERS PROJECTS.

The last sentence of section 521(a)(5)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)(A)) is amended by striking ''project'' and inserting ''tenant or unit''.

SEC. 707. MULTIFAMILY RENTAL HOUSING LOAN GUARANTEE PROGRAM.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (c), by inserting ''an Indian tribe,'' after ''thereof,'';

(2) in subsection (f), by striking paragraph (1) and inserting the following new paragraph:

''(1) be made for a period of not less than 25 nor greater than 40 years from the date the loan was made and may provide for amortization of the loan over a period of not to exceed 40 years with a final payment of the balance due at the end of the loan term;'';

(3) in subsection (i)(2), by striking ''(A) conveyance to the Secretary'' and all that follows through ''(C) assignment'' and inserting ''(A) submission to the Secretary of a claim for payment under the guarantee, and (B) assignment'';

(4) in subsection (s), by adding at the end the following new subsection:

''(4) INDIAN TRIBE.—The term 'Indian tribe' means—

''(A) any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation, as defined by or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.); or

''(B) any entity established by the governing body of an Indian tribe described in subparagraph (A) for the purpose of financing economic development.'';

(5) in subsection (t), by inserting before the period at the end the following: ''to provide guarantees under this section for eligible loans having an aggregate principal amount of $500,000,000'';

(6) by striking subsection (l);

(7) by redesignating subsections (m) through (u) as subsections (l) through (t), respectively; and

(8) by adding at the end the following new subsections:

''(u) FEE AUTHORITY.—Any amounts collected by the Secretary pursuant to the fees charged to lenders for loan guarantees issued under this section shall be used to offset costs (as defined by section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of loan guarantees made under this section.

''(v) DEFAULTS OF LOANS SECURED BY RESERVATION LANDS.—In the event of a default involving a loan to an Indian tribe or tribal corporation made under this section which is secured by an interest in land within such tribe's reservation (as determined by the Secretary of the Interior), including a community in Alaska incorporated by the Secretary of the Interior pursuant to the Indian Reorganization Act (25 U.S.C. 461 et seq.), the lender shall only pursue liquidation after offering to transfer the account to an eligible tribal member, the tribe, or the Indian housing authority serving the tribe. If the lender subsequently proceeds to liquidate the account, the lender shall not sell, transfer, or otherwise dispose of or alienate the property except to one of the entities described in the preceding sentence.''.

SEC. 708. ENFORCEMENT PROVISIONS.

(a) IN GENERAL.—Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding after section 542 the following:

''SEC. 543. ENFORCEMENT PROVISIONS.

''(a) EQUITY SKIMMING.—

''(1) CRIMINAL PENALTY.—Whoever, as an owner, agent, employee, or manager, or is otherwise in custody, control, or possession of property that is security for a loan made or guaranteed under this title, willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

''(2) CIVIL SANCTIONS.—An entity or individual who as an owner, operator, employee, or manager, or who acts as an agent for a property that is security for a loan made or guaranteed under this title where any part of the rents, assets, proceeds, income, or other funds derived from such property are used for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be subject to a fine of not more than $25,000 per violation. The sanctions provided in this paragraph may be imposed in addition to any other civil sanctions or civil monetary penalties authorized by law.

''(b) CIVIL MONETARY PENALTIES.—

''(1) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing, impose a civil monetary penalty in accordance with this subsection against any individual or entity, including its owners, officers, directors, general partners, limited partners, or employees, who knowingly and materially violate, or participate in the violation of, the provisions of this title, the regulations issued by the Secretary pursuant to this title, or agreements made in accordance with this title, by—

''(A) submitting information to the Secretary that is false;

''(B) providing the Secretary with false certifications;

''(C) failing to submit information requested by the Secretary in a timely manner;

''(D) failing to maintain the property subject to loans made or guaranteed under this title in good repair and condition, as determined by the Secretary;

''(E) failing to provide management for a project which received a loan made or guaranteed under this title that is acceptable to the Secretary; or

''(F) failing to comply with the provisions of applicable civil rights statutes and regulations.

''(2) CONDITIONS FOR RENEWAL OR EXTENSION.—The Secretary may require that expiring loan or assistance agreements entered into under this title shall not be renewed or extended unless the owner executes an agreement to comply with additional conditions prescribed by the Secretary, or executes a new loan or assistance agreement in the form prescribed by the Secretary.

''(3) AMOUNT.—

''(A) IN GENERAL.—The amount of a civil monetary penalty imposed under this subsection shall not exceed the greater of—

''(i) twice the damages the Department of Agriculture, the guaranteed lender, or the

project that is secured for a loan under this section suffered or would have suffered as a result of the violation; or

''(ii) $50,000 per violation.

''(B) DETERMINATION.—In determining the amount of a civil monetary penalty under this subsection, the Secretary shall take into consideration—

''(i) the gravity of the offense;

''(ii) any history of prior offenses by the violator (including offenses occurring prior to the enactment of this section);

''(iii) the ability of the violator to pay the penalty;

''(iv) any injury to tenants;

''(v) any injury to the public;

''(vi) any benefits received by the violator as a result of the violation;

''(vii) deterrence of future violations; and

''(viii) such other factors as the Secretary may establish by regulation.

''(4) PAYMENT OF PENALTIES.—No payment of a penalty assessed under this section may be made from funds provided under this title or from funds of a project which serve as security for a loan made or guaranteed under this title.

''(5) REMEDIES FOR NONCOMPLIANCE.—

''(A) JUDICIAL INTERVENTION.—If a person or entity fails to comply with a final determination by the Secretary imposing a civil monetary penalty under this subsection, the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against such individual or entity and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorney's fees and other expenses incurred by the United States in connection with the action.

''(B) REVIEWABILITY OF DETERMINATION.—In an action under this paragraph, the validity and appropriateness of a determination by the Secretary imposing the penalty shall not be subject to review.''.

(b) CONFORMING AMENDMENT.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by striking subsection (j).

SEC. 709. AMENDMENTS TO TITLE 18 OF UNITED STATES CODE.

(a) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming),'' after ''coupons having a value of not less than $5,000,''.

(b) OBSTRUCTION OF FEDERAL AUDITS.—Section 1516(a) of title 18, United States Code, is amended by inserting ''or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949,'' before ''shall be fined under this title''.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

SEC. 801. SHORT TITLE.

This title may be cited as the ''Affordable Housing for Seniors and Families Act''.

SEC. 802. REGULATIONS.

The Secretary of Housing and Urban Development (referred to in this title as the ''Secretary'') shall issue any regulations to carry out this title and the amendments made by this title that the Secretary determines may or will affect tenants of federally assisted housing only after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). Notice of such proposed rulemaking shall be provided by publication in the Federal Register. In issuing such regulations, the Secretary shall take such actions as may be necessary to ensure that such tenants are notified of, and provided an opportunity to participate in, the rulemaking, as required by such section 553.

SEC. 803. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this title and the amendments made by this title are effective as of the date of enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability upon another date certain.

(b) EFFECT OF REGULATORY AUTHORITY.—Any authority in this title or the amendments made by this title to issue regulations, and any specific requirement to issue regulations by a date certain, may not be construed to affect the effectiveness or applicability of the provisions of this title or the amendments made by this title under such provisions and amendments and subsection (a) of this section.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

SEC. 811. PREPAYMENT AND REFINANCING.

(a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) relating to the project; and

(2) the prepayment may involve refinancing of the loan if such refinancing results in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan.

(b) SOURCES OF REFINANCING.—In the case of prepayment under this section involving refinancing, the project sponsor may refinance the project through any third party source, including financing by State and local housing finance agencies, use of tax-exempt bonds, multi-family mortgage insurance under the National Housing Act, reinsurance, or other credit enhancements, including risk sharing as provided under section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note). For purposes of underwriting a loan insured under the National Housing Act, the Secretary may assume that any section 8 rental assistance contract relating to a project will be renewed for the term of such loan.

(c) USE OF UNEXPENDED AMOUNTS.—Upon execution of the refinancing for a project pursuant to this section, the Secretary shall make available at least 50 percent of the annual savings resulting from reduced section 8 or other rental housing assistance contracts in a manner that is advantageous to the tenants, including—

(1) not more than 15 percent of the cost of increasing the availability or provision of supportive services, which may include the financing of service coordinators and congregate services;

(2) rehabilitation, modernization, or retrofitting of structures, common areas, or individual dwelling units;

(3) construction of an addition or other facility in the project, including assisted living facilities (or, upon the approval of the Secretary, facilities located in the community where the project sponsor refinances a project under this section, or pools shared resources from more than 1 such project); or

(4) rent reduction of unassisted tenants residing in the project according to a pro rata allocation of shared savings resulting from the refinancing.

(d) USE OF CERTAIN PROJECT FUNDS.—The Secretary shall allow a project sponsor that is prepaying and refinancing a project under this section—

(1) to use any residual receipts held for that project in excess of $500 per individual dwelling unit for not more than 15 percent of the cost of activities designed to increase the availability or provision of supportive services; and

(2) to use any reserves for replacement in excess of $1,000 per individual dwelling unit for activities described in paragraphs (2) and (3) of subsection (c).

(e) BUDGET ACT COMPLIANCE.—This section shall be effective only to extent or in such amounts that are provided in advance in appropriation Acts.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

SEC. 821. SUPPORTIVE HOUSING FOR ELDERLY PERSONS.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended by adding at the end the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for providing assistance under this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003.''.

SEC. 822. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended by striking subsection (m) and inserting the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for providing assistance under this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003.''.

SEC. 823. SERVICE COORDINATORS AND CONGREGATE SERVICES FOR ELDERLY AND DISABLED HOUSING.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2001, 2002, and 2003, for the following purposes:

(1) GRANTS FOR SERVICE COORDINATORS FOR CERTAIN FEDERALLY ASSISTED MULTIFAMILY HOUSING.—For grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for providing service coordinators.

(2) CONGREGATE SERVICES FOR FEDERALLY ASSISTED HOUSING.—For contracts under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) to provide congregate services programs for eligible residents of eligible housing projects under subparagraphs (B) through (D) of subsection (k)(6) of such section.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

PART 1—HOUSING FOR THE ELDERLY

SEC. 831. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)) is amended by inserting after subparagraph (C) the following:

''Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), and (C), or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), and (C).''.

SEC. 832. MIXED FUNDING SOURCES.

Section 202(h)(6) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(6)) is amended—

(1) by striking ''non-Federal sources'' and inserting ''sources other than this section''; and

(2) by adding at the end the following new sentence: ''Notwithstanding any other provision of law, assistance amounts provided under this section may be treated as amounts not derived from a Federal grant.''.

SEC. 833. AUTHORITY TO ACQUIRE STRUCTURES.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), by striking ''from the Resolution Trust Corporation''; and

(2) in subsection (h)(2)—

(A) in the paragraph heading, by striking ''RTC PROPERTIES'' and inserting ''ACQUISITION''; and

(B) by striking ''from the Resolution'' and all that follows through ''Insurance Act''.

SEC. 834. USE OF PROJECT RESERVES.

Section 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j)) is amended by adding at the end the following:

''(8) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.''.

SEC. 835. COMMERCIAL ACTIVITIES.

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended by adding at the end the following: ''Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.''.

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

SEC. 841. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 811(k)(6) of the Housing Act of 1959 (42 U.S.C. 8013(k)(6)) is amended by inserting after subparagraph (D) the following:

''Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), (C), and (D) or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), (C), and (D).''.

SEC. 842. MIXED FUNDING SOURCES.

Section 811(h)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(5)) is amended—

(1) by striking ''non-Federal sources'' and inserting ''sources other than this section''; and

(2) by adding at the end the following new sentence: ''Notwithstanding any other provision of law, assistance amounts provided under this section may be treated as amounts not derived from a Federal grant.''.

SEC. 843. TENANT-BASED ASSISTANCE.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (d), by striking paragraph (4) and inserting the following:

''(4) TENANT-BASED RENTAL ASSISTANCE.—

''(A) ADMINISTERING ENTITIES.—Tenant-based rental assistance provided under subsection (b)(1) may be provided only through a public housing agency that has submitted and had approved an plan under section 7(d) of the United States Housing Act of 1937 (42 U.S.C. 1437e(d)) that provides for such assistance, or through a private nonprofit organization. A public housing agency shall be eligible to apply under this section only for the purposes of providing such tenant-based rental assistance.

''(B) PROGRAM RULES.—Tenant-based rental assistance under subsection (b)(1) shall be made available to eligible persons with disabilities and administered under the same rules that govern tenant-based rental assistance made available under section 8 of the United States Housing Act of 1937, except that the Secretary may waive or modify such rules, but only to the extent necessary to provide for administering such assistance under subsection (b)(1) through private nonprofit organizations rather than through public housing agencies.

''(C) ALLOCATION OF ASSISTANCE.—In determining the amount of assistance provided under subsection (b)(1) for a private nonprofit organization or public housing agency, the Secretary shall consider the needs and capabilities of the organization or agency, in the case of a public housing agency, as described in the plan for the agency under section 7 of the United States Housing Act of 1937.''; and

(2) in subsection (l)(1)—

(A) by striking ''subsection (b)'' and inserting ''subsection (b)(2)''; and

(B) by striking the last comma and all that follows through ''subsection (n)''.

SEC. 844. USE OF PROJECT RESERVES.

Section 811(j) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(j)) is amended by adding at the end the following:

''(7) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.''.

SEC. 845. COMMERCIAL ACTIVITIES.

Section 811(h)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(1)) is amended by adding at the end the following: ''Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.''.

PART 3—OTHER PROVISIONS

SEC. 851. SERVICE COORDINATORS.

(a) INCREASED FLEXIBILITY FOR USE OF SERVICE COORDINATORS IN CERTAIN FEDERALLY ASSISTED HOUSING.—Section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) is amended—

(1) in the section heading, by striking ''multifamily housing assisted under national housing act'' and inserting ''certain federally assisted housing'';

(2) in subsection (a)—

(A) in the first sentence, by striking ''(E) and (F)'' and inserting ''(B), (C), (D), (E), (F), and (G)''; and

(B) in the last sentence—

(i) by striking ''section 661'' and inserting ''section 671''; and

(ii) by adding at the end the following: ''A service coordinator funded with a grant under this section for a project may provide services to low-income elderly or disabled families living in the vicinity of such project.'';

(3) in subsection (d)—

(A) by striking ''(E) or (F)'' and inserting ''(B), (C), (D), (E), (F), or (G)''; and

(B) by striking ''section 661'' and inserting ''section 671''; and

(4) by striking subsection (c) and redesignating subsection (d) (as amended by paragraph (3) of this subsection) as subsection (c).

(b) REQUIREMENT TO PROVIDE SERVICE COORDINATORS.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631) is amended—

(1) in the first sentence of subsection (a), by striking ''to carry out this subtitle pursuant to the amendments made by this subtitle'' and inserting the following: ''for providing service coordinators under this section'';

(2) in subsection (d), by inserting ''(''' after ''section 683(2)''; and

(3) by adding at the end following:

''(e) SERVICES FOR LOW-INCOME ELDERLY OR DISABLED FAMILIES RESIDING IN VICINITY OF CERTAIN PROJECTS.—To the extent only that this section applies to service coordinators for covered federally assisted housing described in subparagraphs (B), (C), (D), (E), (F), and (G) of section 683(2), any reference in this section to elderly or disabled residents of a project shall be construed to include low-income elderly or disabled families living in the vicinity of such project.''.

(c) PROTECTION AGAINST TELEMARKETING FRAUD.—

(1) SUPPORTIVE HOUSING FOR THE ELDERLY.—The first sentence of section 202(g)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(1)) is amended by striking ''and (F)'' and inserting the following: ''(F) providing education and outreach regarding telemarketing fraud, in accordance with the standards issued under section 671(f) of the Housing and Community Development Act of 1992 (42 U.S.C. 13631(f)); and (G)''.

(2) OTHER FEDERALLY ASSISTED HOUSING.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631), as amended by subsection (b) of this section, is further amended—

(A) in the first sentence of subsection (c), by inserting after ''response,'' the following: ''education and outreach regarding telemarketing fraud in accordance with the standards issued under subsection (f),''; and

(B) by adding at the end the following:

''(f) PROTECTION AGAINST TELEMARKETING FRAUD.—

''(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Health and Human Services, shall establish standards

for service coordinators in federally assisted housing who are providing education and outreach to elderly persons residing in such housing regarding telemarketing fraud. The standards shall be designed to ensure that such education and outreach informs such elderly persons of the dangers of telemarketing fraud and facilitates the investigation and prosecution of telemarketers engaging in fraud against such residents.

''(2) CONTENTS.—The standards established under this subsection shall require that any such education and outreach be provided in a manner that—

''(A) informs such residents of—

''(i) the prevalence of telemarketing fraud targeted against elderly persons;

''(ii) how telemarketing fraud works;

''(iii) how to identify telemarketing fraud;

''(iv) how to protect themselves against telemarketing fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

''(v) how to report suspected attempts at telemarketing fraud; and

''(vi) their consumer protection rights under Federal law;

''(B) provides such other information as the Secretary considers necessary to protect such residents against fraudulent telemarketing; and

''(C) disseminates the information provided by appropriate means, and in determining such appropriate means, the Secretary shall consider on-site presentations at federally assisted housing, public service announcements, a printed manual or pamphlet, an Internet website, and telephone outreach to residents whose names appear on 'mooch lists' confiscated from fraudulent telemarketers.''.

Subtitle D—Preservation of Affordable Housing Stock

SEC. 861. SECTION 236 ASSISTANCE.

(a) EXTENSION OF AUTHORITY TO RETAIN EXCESS CHARGES.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended—

(1) in paragraph (2), by striking ''Subject to paragraph (3) and notwithstanding'' and inserting ''Notwithstanding''; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(b) TREATMENT OF EXCESS CHARGES PREVIOUSLY COLLECTED.—Any excess charges that a project owner may retain pursuant to the amendments made by subsections (b) and (c) of section 532 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1116) that have been collected by such owner since the date of the enactment of such Appropriations Act and that such owner has not remitted to the Secretary of Housing and Urban Development may be retained by such owner unless such Secretary otherwise provides. To the extent that a project owner has remitted such excess charges to the Secretary since such date of enactment, the Secretary may return to the relevant project owner any such excess charges remitted. Notwithstanding any other provision of law, amounts in the Rental Housing Assistance Fund, or heretofore or subsequently transferred from the Rental Housing Assistance Fund to the Flexible Subsidy Fund, shall be available to make such return of excess charges previously remitted to the Secretary, including the return of excess charges referred to in section 532(e) of such Appropriations Act.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

SEC. 901. EXTENSION OF LOAN TERM FOR MANUFACTURED HOME LOTS.

Section 2(b)(3)(E) of the National Housing Act (12 U.S.C. 1703(b)(3)(E)) is amended by striking ''fifteen'' and inserting ''twenty''.

SEC. 902. USE OF SECTION 8 VOUCHERS FOR OPT-OUTS.

(a) IN GENERAL.—Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended by striking ''fiscal year 1996'' and inserting ''fiscal year 1994''.

(b) EFFECTIVE DATE.—The amendment under subsection (a) shall be made and shall apply—

(1) upon the enactment of this Act, if the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is enacted before the enactment of this Act; and

(2) immediately after the enactment of such appropriations Act, if such appropriations Act is enacted after the enactment of this Act.

SEC. 903. MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS.

(a) IN GENERAL.—Section 8(t)(1)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)(B)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended by inserting before the semicolon at the end the following: '', except that a limit shall not be considered reasonable for purposes of this subparagraph if it adversely affects such assisted families''.

(b) EFFECTIVE DATE.—The amendment under subsection (a) shall be made and shall apply—

(1) upon the enactment of this Act, if the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is enacted before the enactment of this Act; and

(2) immediately after the enactment of such appropriations Act, if such appropriations Act is enacted after the enactment of this Act.

SEC. 904. USE OF SECTION 8 ASSISTANCE BY "GRAND-FAMILIES" TO RENT DWELLING UNITS IN ASSISTED PROJECTS.

Section 215(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)) is amended by adding at the end the following new paragraph:

''(6) WAIVER OF QUALIFYING RENT.—

''(A) IN GENERAL.—For the purpose of providing affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the project owner, waive the applicability of subparagraph (A) of paragraph (1) with respect to a dwelling unit if—

''(i) the unit is occupied by such a family, on whose behalf tenant-based assistance is provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

''(ii) the rent for the unit is not greater than the existing fair market rent for comparable units in the area, as established by the Secretary under section 8 of the United States Housing Act of 1937; and

''(iii) the Secretary determines that the waiver, together with waivers under this paragraph for other dwelling units in the project, will result in the use of amounts described in clause (iii) in an effective manner that will improve the provision of affordable housing for such families.

''(B) ELIGIBLE FAMILIES.—A family described in this subparagraph is a family that consists of at least one elderly person (who is the head of household) and one or more of such person's grand children, great grandchildren, great nieces, great nephews, or great great grandchildren (as defined by the Secretary), but does not include any parent of such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren. Such term includes any such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren who have been legally adopted by such elderly person.''.

TITLE X—FEDERAL RESERVE BOARD PROVISIONS

SEC. 1001. FEDERAL RESERVE BOARD BUILDINGS.

The 3rd undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 243) is amended—

(1) by inserting after the 1st sentence the following new sentence: ''After September 1, 2000, the Board may also use such assessments to acquire, in its own name, a site or building (in addition to the facilities existing on such date) to provide for the performance of the functions of the Board.''; and

(2) in the sentences following the sentence added by the amendment made by paragraph (1) of this section—

(A) by striking ''the site'' and inserting ''any site''; and

(B) by inserting ''or buildings'' after ''building'' each place such term appears.

SEC. 1002. POSITIONS OF BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM ON THE EXECUTIVE SCHEDULE.

(a) IN GENERAL.—

(1) POSITIONS AT LEVEL I OF THE EXECUTIVE SCHEDULE.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

''Chairman, Board of Governors of the Federal Reserve System.''.

(2) POSITIONS AT LEVEL II OF THE EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended—

(A) by striking ''Chairman, Board of Governors of the Federal Reserve System.''; and

(B) by adding at the end the following:

''Members, Board of Governors of the Federal Reserve System.''.

(3) POSITIONS AT LEVEL III OF THE EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by striking ''Members, Board of Governors of the Federal Reserve System.''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first pay period for the Chairman and Members of the Board of Governors of the Federal Reserve System beginning on or after the date of enactment of this Act.

SEC. 1003. AMENDMENTS TO THE FEDERAL RESERVE ACT.

(a) REPEAL.—Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended by striking all after the first sentence.

(b) APPEARANCES BEFORE AND REPORTS TO THE CONGRESS.—

(1) IN GENERAL.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 2A the following new section:

"SEC. 2B. APPEARANCES BEFORE AND REPORTS TO THE CONGRESS.

''(a) APPEARANCES BEFORE THE CONGRESS.—

''(1) IN GENERAL.—The Chairman of the Board shall appear before the Congress at semi-annual hearings, as specified in paragraph (2), regarding—

''(A) the efforts, activities, objectives and plans of the Board and the Federal Open Market Committee with respect to the conduct of monetary policy; and

''(B) economic developments and prospects for the future described in the report required in subsection (b).

''(2) SCHEDULE.—The Chairman of the Board shall appear—

''(A) before the Committee on Banking and Financial Services of the House of Representatives on or about February 20 of even numbered calendar years and on or about July 20 of odd numbered calendar years;

''(B) before the Committee on Banking, Housing, and Urban Affairs of the Senate on or about July 20 of even numbered calendar years and on or about February 20 of odd numbered calendar years; and

''(C) before either Committee referred to in subparagraph (A) or (B), upon request, following the scheduled appearance of the Chairman before the other Committee under subparagraph (A) or (B).

''(b) CONGRESSIONAL REPORT.—The Board shall, concurrent with each semi-annual hearing required by this section, submit a written report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives, containing a discussion of the conduct of monetary policy and economic developments and prospects for the future, taking into account past and prospective developments in employment, unemployment, production, investment, real income, productivity, exchange rates, international trade and payments, and prices.''.

TITLE XI—BANKING AND HOUSING AGENCY REPORTS

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Federal Reporting Act of 2000''.

SEC. 1102. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022).

(2) Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099).

(3) Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213).

(4) Section 7(o)(1) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(1)).

(5) Section 540(c) of the National Housing Act (12 U.S.C. 1735f–18(c)).

(6) Paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

(7) Section 1061 of the Housing and Community Development Act of 1992 (42 U.S.C. 4856).

(8) Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3780).

(9) Section 802 of the Housing Act of 1954 (12 U.S.C. 1701o).

(10) Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536).

(11) Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027).

(12) Section 4(e)(2) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(e)(2).

(13) Section 205(g) of the National Housing Act (12 U.S.C. 1711(g)).

(14) Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)).

(15) Paragraphs (1) and (2) of section 5302(c) of title 31, United States Code.

(16) Section 18(f)(7) of the Federal Trade Commission Act. (15 U.S.C. 57a(f)(7)).

(17) Section 333 of the Revised Statutes of the United States (12 U.S.C. 14).

(18) Section 3(g) of the Home Owners' Loan Act (12 U.S.C. 1462a(g)).

(19) Section 304 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 304).

(20) Sections 2(b)(1)(A), 8(a), 8(c), 10(g)(1), and 11(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A), 635g(a), 635g(c), 635i–3(g), and 635i–5(c)).

(21) Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)).

(22) Section 13 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2292).

(23) Section 2B(d) of the Federal Home Loan Bank Act (12 U.S.C. 1422b(d)).

(24) Section 1002(b) of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note).

(25) Section 8 of the Fair Credit and Charge Card Disclosure Act of 1988 (15 U.S.C. 1637 note).

(26) Section 136(b)(4)(B) of the Truth in Lending Act (15 U.S.C. 1646(b)(4)(B)).

(27) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(28) Section 114 of the Truth in Lending Act (15 U.S.C. 1613).

(29) The seventh undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247).

(30) The tenth undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247a).

(31) Section 815 of the Fair Debt Collection Practices Act (15 U.S.C. 1692m).

(32) Section 102(d) of the Federal Credit Union Act (12 U.S.C. 1752a(d)).

(33) Section 21B(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(i)).

(34) Section 607(a) of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8106(a)).

(35) Section 708(l) of the Defense Production Act of 1950 (50 U.S.C. Ap. 2158(l)).

(36) Section 2546 of the Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990 (28 U.S.C. 522 note).

(37) Section 202(b)(8) of the National Housing Act (12 U.S.C. 1708(b)(8)).

SEC. 1103. COORDINATION OF REPORTING REQUIREMENTS.

(a) FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)) is amended by adding at the end the following new paragraph:

''(3) COORDINATION WITH OTHER REPORT REQUIREMENTS.—The report required under this subsection shall include the report required under section 18(f)(7) of the Federal Trade Commission Act.''.

(b) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—The 7th undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247) is amended by adding at the end the following new sentence: ''The report required under this paragraph shall include the reports required under section 707 of the Equal Credit Opportunity Act, section 18(f)(7) of the Federal Trade Commission Act, section 114 of the Truth in Lending Act, and the 10th undesignated paragraph of this section.''.

(c) COMPTROLLER OF THE CURRENCY.—Section 333 of the Revised Statutes of the United States (12 U.S.C. 14) is amended by adding at the end the following new sentence: ''The report required under this section shall include the report required under section 18(f)(7) of the Federal Trade Commission Act.''.

(d) EXPORT-IMPORT BANK.—

(1) IN GENERAL.— Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended—

(A) by striking ''a annual'' and inserting ''an annual''; and

(B) by adding at the end the following new sentence: ''The annual report required under this subparagraph shall include the report required under section 10(g).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 10(g)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(g)(1)) is amended—

(A) by striking ''On or'' and all that follows through ''the Bank'' and inserting ''The Bank''; and

(B) by striking ''a report'' and inserting ''an annual report''.

(e) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536) is amended by adding at the end the following new sentence: ''The report required under this section shall include the reports required under paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968, the reports required under subsections (a) and (b) of section 1061 of the Housing and Community Development Act of 1992, the report required under section 802 of the Housing Act of 1954, and the report required under section 4(e)(2) of this Act.''.

(f) FEDERAL HOUSING ADMINISTRATION.—Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992, is amended by adding at the end the following new sentence:

''The report required under this subsection shall include the report required under section 540(c) and the report required under section 205(g).''.

(g) INTERNATIONAL FINANCIAL INSTITUTIONS ACT.—Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)) is amended by striking ''Not later'' and all that follows through ''quarterly'' and inserting ''The Secretary of the Treasury shall report annually''.

SEC. 1104. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.

(a) EXPORT-IMPORT BANK.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended—

(1) in section 2(b)(1)(D)—

(A) by striking ''(i)''; and

(B) by striking clause (ii);

(2) in section 2(b)(8), by striking the last sentence;

(3) in section 6(b), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(4) in section 8, by striking subsections (b) and (d) and redesignating subsections (c) and (e) as subsections (b) and (c), respectively.

(b) FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 17 of the Federal Deposit Insurance Act (12 U.S.C. 1827) is amended by striking subsection (h).

TITLE XII—FINANCIAL REGULATORY RELIEF

SEC. 1200. SHORT TITLE.

This title may be cited as the ''Financial Regulatory Relief and Economic Efficiency Act of 2000''.

Subtitle A—Improving Monetary Policy and Financial Institution Management Practices

SEC. 1201. REPEAL OF SAVINGS ASSOCIATION LIQUIDITY PROVISION.

(a) REPEAL OF LIQUIDITY PROVISION.—Section 6 of the Home Owners' Loan Act (12 U.S.C. 1465) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 5.—Section 5(c)(1)(M) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)(M)) is amended to read as follows:

''(M) LIQUIDITY INVESTMENTS.—Investments (other than equity investments), identified by the Director, for liquidity purposes, including cash, funds on deposit at a Federal reserve bank or a Federal home loan bank, or bankers' acceptances.''.

(2) SECTION 10.—Section 10(m)(4)(B)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(B)(iii)) is amended by inserting ''as in effect on the day before the date of the enactment of the Financial Regulatory Relief and Economic Efficiency Act of 2000,'' after ''Loan Act,''.

SEC. 1202. NONCONTROLLING INVESTMENTS BY SAVINGS ASSOCIATION HOLDING COMPANIES.

Section 10(e)(1)(A)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)(1)(A)(iii)) is amended—

(1) by inserting '', except with the prior written approval of the Director,'' after ''or to retain''; and

(2) by striking ''so acquire or retain'' and inserting ''acquire or retain, and the Director may not authorize acquisition or retention of,''.

SEC. 1203. REPEAL OF DEPOSIT BROKER NOTIFICATION AND RECORDKEEPING REQUIREMENT.

Section 29A of the Federal Deposit Insurance Act (12 U.S.C. 1831f–1) is hereby repealed.

SEC. 1204. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended—

(1) by redesignating section 5 as section 7; and

(2) by inserting after section 4 the following new section:

''SEC. 5. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

''(a) IN GENERAL.—A national bank may, with the approval of the Comptroller, pursuant to rules and regulations promulgated by the Comptroller, and upon the affirmative vote of the shareholders of such bank owning at least two-thirds of its capital stock outstanding, reorganize so as to become a subsidiary of a bank holding company or of a company that will, upon consummation of such reorganization, become a bank holding company.

''(b) REORGANIZATION PLAN.—A reorganization authorized under subsection (a) shall be carried out in accordance with a reorganization plan that—

''(1) specifies the manner in which the reorganization shall be carried out;

''(2) is approved by a majority of the entire board of directors of the national bank;

''(3) specifies—

''(A) the amount of cash or securities of the bank holding company, or both, or other consideration to be paid to the shareholders of the reorganizing bank in exchange for their shares of stock of the bank;

''(B) the date as of which the rights of each shareholder to participate in such exchange will be determined; and

''(C) the manner in which the exchange will be carried out; and

''(4) is submitted to the shareholders of the reorganizing bank at a meeting to be held on the call of the directors in accordance with the procedures prescribed in connection with a merger of a national bank under section 3.

''(c) RIGHTS OF DISSENTING SHAREHOLDERS.—If, pursuant to this section, a reorganization plan has been approved by the shareholders and the Comptroller, any shareholder of the bank who has voted against the reorganization at the meeting referred to in subsection (b)(4), or has given notice in writing at or prior to that meeting to the presiding officer that the shareholder dissents from the reorganization plan, shall be entitled to receive the value of his or her shares, as provided by section 3 for the merger of a national bank.

''(d) EFFECT OF REORGANIZATION.—The corporate existence of a national bank that reorganizes in accordance with this section shall not be deemed to have been affected in any way by reason of such reorganization.

''(e) APPROVAL UNDER THE BANK HOLDING COMPANY ACT.—This section does not affect in any way the applicability of the Bank Holding Company Act of 1956 to a transaction described in subsection (a).''.

SEC. 1205. NATIONAL BANK DIRECTORS.

(a) AMENDMENTS TO THE REVISED STATUTES.—Section 5145 of the Revised Statutes of the United States (12 U.S.C. 71) is amended—

(1) by striking ''for one year'' and inserting ''for a period of not more than 3 years''; and

(2) by adding at the end the following: ''In accordance with regulations issued by the Comptroller of the Currency, a national bank may adopt bylaws that provide for staggering the terms of its directors.''.

(b) AMENDMENT TO THE BANKING ACT OF 1933.—Section 31 of the Banking Act of 1933 (12 U.S.C. 71a) is amended in the first sentence, by inserting before the period '', except that the Comptroller of the Currency may, by regulation or order, exempt a national bank from the 25-member limit established by this section''.

SEC. 1206. AMENDMENT TO NATIONAL BANK CONSOLIDATION AND MERGER ACT.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended by inserting after section 5, as added by this title, the following new section:

''SEC. 6. MERGERS AND CONSOLIDATIONS WITH SUBSIDIARIES AND NONBANK AFFILIATES.

''(a) IN GENERAL.—Upon the approval of the Comptroller, a national bank may merge with 1 or more of its nonbank subsidiaries or affiliates.

''(b) SCOPE.—Nothing in this section shall be construed—

''(1) to affect the applicability of section 18(c) of the Federal Deposit Insurance Act; or

''(2) to grant a national bank any power or authority that is not permissible for a national bank under other applicable provisions of law.

''(c) REGULATIONS.—The Comptroller shall promulgate regulations to implement this section.''.

SEC. 1207. LOANS ON OR PURCHASES BY INSTITUTIONS OF THEIR OWN STOCK; AFFILIATIONS.

(a) AMENDMENT TO THE REVISED STATUTES.—Section 5201 of the Revised Statutes of the United States (12 U.S.C. 83) is amended to read as follows:

''SEC. 5201. LOANS BY BANK ON ITS OWN STOCK.

''(a) GENERAL PROHIBITION.—No national bank shall make any loan or discount on the security of the shares of its own capital stock.

''(b) EXCLUSION.—For purposes of this section, a national bank shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt previously contracted for in good faith.''.

(b) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended—

(1) by redesignating subsection (t), as added by section 730 of the Gramm-Leach-Bliley Act (Public Law 106–102; 113 Stat. 1476), as subsection (u); and

(2) by adding at the end the following new subsection:

''(v) LOANS BY INSURED INSTITUTIONS ON THEIR OWN STOCK.—

''(1) GENERAL PROHIBITION.—No insured depository institution may make any loan or discount on the security of the shares of its own capital stock.

''(2) EXCLUSION.—For purposes of this subsection, an insured depository institution shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt previously contracted for in good faith.''.

SEC. 1208. PURCHASED MORTGAGE SERVICING RIGHTS.

Section 475 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1828 note) is amended—

(1) in subsection (a)(1), by inserting ''(or such other percentage exceeding 90 percent but not exceeding 100 percent, as may be determined under subsection (b))'' after ''90 percent'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

''(b) AUTHORITY TO DETERMINE PERCENTAGE BY WHICH TO DISCOUNT VALUE OF SERVICING RIGHTS.—The appropriate Federal banking agencies may allow readily marketable purchased mortgage servicing rights to be valued at more than 90 percent of their fair market value but at not more than 100 percent of such value, if such agencies jointly make a finding that such valuation would not have an adverse effect on the deposit insurance funds or the safety and soundness of insured depository institutions.''; and

(3) in subsection (c), by striking ''and'' and inserting '', 'deposit insurance fund', and''.

Subtitle B—Streamlining Activities of Institutions

SEC. 1211. CALL REPORT SIMPLIFICATION.

(a) MODERNIZATION OF CALL REPORT FILING AND DISCLOSURE SYSTEM.—In order to reduce the administrative requirements pertaining to bank reports of condition, savings association financial reports, and bank holding company consolidated and parent-only financial statements, and to improve the timeliness of such reports and statements, the Federal banking agencies shall—

(1) work jointly to develop a system under which—

(A) insured depository institutions and their affiliates may file such reports and statements electronically; and

(B) the Federal banking agencies may make such reports and statements available to the public electronically; and

(2) not later than 1 year after the date of enactment of this Act, report to the Congress and make recommendations for legislation that would enhance efficiency for filers and users of such reports and statements.

(b) UNIFORM REPORTS AND SIMPLIFICATION OF INSTRUCTIONS.—The Federal banking agencies shall, consistent with the principles of safety and soundness, work jointly—

(1) to adopt a single form for the filing of core information required to be submitted under Federal law to all such agencies in the reports and statements referred to in subsection (a); and

(2) to simplify instructions accompanying such reports and statements and to provide an index to the instructions that is adequate to meet the needs of both filers and users.

(c) REVIEW OF CALL REPORT SCHEDULE.—Each Federal banking agency shall—

(1) review the information required by schedules supplementing the core information referred to in subsection (b); and

(2) eliminate requirements that are not warranted for reasons of safety and soundness or other public purposes.

(d) DEFINITION.—In this section, the term ''Federal banking agency'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

Subtitle C—Streamlining Agency Actions

SEC. 1221. ELIMINATION OF DUPLICATIVE DISCLOSURE OF FAIR MARKET VALUE OF ASSETS AND LIABILITIES.

Section 37(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(a)(3)) is amended by striking subparagraph (D).

SEC. 1222. PAYMENT OF INTEREST IN RECEIVERSHIPS WITH SURPLUS FUNDS.

Section 11(d)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(10)) is amended by adding at the end the following new subparagraph:

''(C) RULEMAKING AUTHORITY OF CORPORATION.—The Corporation may prescribe such rules, including definitions of terms, as it deems appropriate to establish a single uniform interest rate for or to make payments of post insolvency interest to creditors holding proven claims against the receivership estates of insured Federal or State depository institutions following satisfaction by the receiver of the principal amount of all creditor claims.''.

SEC. 1223. REPEAL OF REPORTING REQUIREMENT ON DIFFERENCES IN ACCOUNTING STANDARDS.

Section 37(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(c)) is amended—

(1) in paragraph (1), by striking ''Each'' and all that follows through ''a report'' and inserting ''The Federal banking agencies shall jointly submit an annual report''; and

(2) by inserting ''any'' before ''such agency'' each place that term appears.

SEC. 1224. EXTENSION OF TIME.

Section 6(a)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(1)) is amended by striking ''1 year'' and inserting ''18 months''.

Subtitle D—Technical Corrections

SEC. 1231. TECHNICAL CORRECTION RELATING TO DEPOSIT INSURANCE FUNDS.

(a) IN GENERAL.—Section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104–208; 110 Stat. 3009–496) is amended—

(1) by striking ''7(b)(2)(C)'' and inserting ''7(b)(2)(E)''; and

(2) by striking '', as redesignated by section 2704(d)(6) of this subtitle''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be deemed to have the same effective date as section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104–208; 110 Stat. 3009–496).

SEC. 1232. RULES FOR CONTINUATION OF DEPOSIT INSURANCE FOR MEMBER BANKS CONVERTING CHARTERS.

Section 8(o) of the Federal Deposit Insurance Act (12 U.S.C. 1818(o)) is amended in the second sentence, by striking ''subsection (d) of section 4'' and inserting ''subsection (c) or (d) of section 4''.

SEC. 1233. AMENDMENTS TO THE REVISED STATUTES OF THE UNITED STATES.

(a) WAIVER OF CITIZENSHIP REQUIREMENT FOR NATIONAL BANK DIRECTORS.—Section 5146 of the Revised Statutes of the United States (12 U.S.C. 72) is amended in the first sentence, by inserting before the period '', and waive the requirement of citizenship in the case of not more than a minority of the total number of directors''.

(b) TECHNICAL AMENDMENT TO THE REVISED STATUTES.—Section 329 of the Revised Statutes of the United States (12 U.S.C. 11) is amended by striking ''to be interested in any association issuing national currency under the laws of the United States'' and inserting ''to hold an interest in any national bank''.

(c) REPEAL OF UNNECESSARY CAPITAL AND SURPLUS REQUIREMENT.—Section 5138 of the Revised Statutes of the United States (12 U.S.C. 51) is hereby repealed.

SEC. 1234. CONFORMING CHANGE TO THE INTERNATIONAL BANKING ACT OF 1978.

Section 4(b) of the International Banking Act of 1978 (12 U.S.C. 3102(b)) is amended in the second sentence, by striking paragraph (1) and by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

S. 3274—SECTION-BY-SECTION

Section 1. Short Title and Table of Contents. States that the act may be cited as the ''American Homeownership and Economic Opportunity Act of 2000.''

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Section 101. Short title. This title may be referred to as the ''Housing Affordability Barrier Removal Act of 2000.''

Section 102. Grants for regulatory barrier removal strategies. Authorizes $15 million for FY 2001 through FY 2005 for grants to States, local governments, and eligible consortia for regulatory barrier removal strategies. This is a reauthorization of the same amount under an already existing CDBG set-aside (Section 107(a)(1)(H)). Grants provided for these purposes must be used in coordination with the local comprehensive housing affordability strategy (''CHAS'').

Section 103. Regulatory barriers clearinghouse. Creates within HUD's Office of Policy Development and Research a ''Regulatory Barriers Clearinghouse'' to collect and disseminate information on, among other things, the prevalence of regulatory barriers and their effects on availability of affordable housing, and successful barrier removal strategies.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

Section 201. Home equity conversion mortgages. Allows for the refinancing of home equity conversion mortgages (HECMs) for elderly homeowners. Gives the Secretary discretion to reduce the single premium payment to an amount as determined by an actuarial study, to be conducted by the Secretary within 180 days of enactment, and to credit the premium paid on the original loan. Authorizes the Secretary to establish a limit on origination fees that may be charged (which fees may be fully financed). Waives counseling requirements if the borrower has received counseling in the prior five years and the increase in the principal limit exceeds refinancing costs by an amount set by the Department; provides a disclosure under a refinanced mortgage of the total cost of refinancing and the principal limit increase.

In cases where the reverse mortgage proceeds are used for long-term care insurance contracts, a portion of those proceeds may be used for up-front costs, such as initial service, appraisal and inspection fees. Requires HUD to waive the up-front mortgage insurance premium in cases where reverse mortgage proceeds are used for costs of a qualified long-term care insurance contract.

Directs the Department to conduct an actuarial study within 180 days of enactment of the effect creating a single national loan limit for HECM reverse mortgages.

Section 202. Assistance for self-help housing providers. Reauthorizes the self-help housing for FY 2001. Allows projects with 5 or more units to use their funds over a 3-year period. Allows entities to advance themselves funds prior to completion of environmental reviews for purposes of land acquisition.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Section 301. Downpayment assistance. Public Housing Authorities (PHAs) are authorized to provide down-payment assistance in the form of a single grant, in lieu of monthly assistance. Such down-payment assistance shall not exceed the total amount of monthly assistance received by the tenant for the first year of assistance. For FY 2000 and thereafter, assistance under this section shall be available to the extent that sums are appropriated.

Section 302. Pilot program for homeownership assistance for disabled families. Adds a pilot program to demonstrate the use of tenant-based section 8 assistance (section 8 vouchers) for the purchase of a home that will be owned by 1 or more members of the disabled family and will be occupied by that family and meets certain requirements. Requirements include purchase of the property within three years of enactment of this Act; demonstrated income level from employment or other sources (including public assistance), that is not less that twice the Section 8 payment standard established by the PHA; participation in a housing counseling program provided by the PHA; and other requirements established by the PHA in accordance with requirements established by the Secretary of HUD.

Section 303. Funding for pilot program. Authorizes such sums as may be appropriated for a grant program to supplement demonstration programs approved under the Section 8 homeownership demonstration program. The program has a 50% match requirement.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

Section 401. Short title. Provides that this title may be cited as the ''Private Mortgage Insurance Technical Corrections and Clarification Act''.

Section 402. Changes in amortization schedule. Clarifies that private mortgage insurance (PMI) termination/cancellation rights for adjustable rate mortgages (ARMs) are based on the amortization schedule then in effect (the most recent calculation); treats a balloon mortgage like an ARM (uses most recent amortization schedule); bases cancellation/termination rights on modified terms if loan modification occurs.

Section 403. Deletion of ambiguous references to residential mortgages. Clarifies that borrowers' PMI cancellation and termination rights apply only to mortgages created after the effective date of the legislation (one-year after the date of enactment).

Section 404. Cancellation rights after cancellation date. Clarifies that the good payment history requirement in the bill is calculated as of the later of the cancellation date or, the date on which a borrower requests cancellation. Provides that if a borrower is not current on payments as of the termination date, but later becomes current, termination shall not take place until the first day of the following month (eliminates lender need to check and cancel PMI every day of the month). Clarifies that PMI cancellation or termination does not eliminate requirement to make PMI payments legitimately accrued prior to any cancellation or termination of PMI.

Section 405. Clarification of cancellation and termination issues and lender paid mortgage insurance disclosure requirements. Adds provision clarifying cancellation and termination issues related to terms ambiguous in law, including ''good payment history'', ''automatic termination'' and ''accrued obligation for premium payments''. Clarifies that PMI cancellation rights exist on the cancellation date, or any later date, as long as the borrower complies with all cancellation requirements. Clarifies that borrower must be current on loan payments to exercise cancellation.

Section 406. Definitions. Sets forth definitions of: (a) refinanced; (b) midpoint of the amortization period; (d) original value; and (e) principal residence.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

Section 501. Lands Title Report Commission. Subject to amounts appropriated, creates an Indian Lands Title Report Commission to develop recommended approaches to improving how the Bureau of Indian Affairs (BIA) conducts title reviews in connection with the sale of Indian lands. Receipt of a certificate from BIA is a prerequisite to any sales transaction on Indian lands, and the current procedure is overly burdensome and presents a regulatory barrier to increasing homeownership on Indian lands.

The Commission is composed of 12 members with knowledge of Indian land title issues (4 appointed by the President, 4 by the President from recommendations made by the Chairman of the Senate Committee on Banking, Housing, and Urban Affairs Committee, and 4 by President from recommendations made by the Chairman of the House Committee on Banking and Financial Services). Authorized at $500,000.

Section 502. Loan guarantees. Permanently authorizes the section 184 Loan Guarantee Program for Indian housing.

Section 503. Native American housing assistance. Makes the following amendments to the Native American Housing and Self-Determination Act of 1996 (NAHASDA):

Restricts Secretary's authority to grant waiver of Indian housing plan requirements, upon noncompliance due to circumstances beyond the control of the Indian tribe, to a period of 90 days. Allows Secretary to waive requirement for a local cooperation agreement provided the recipient has made a good faith effort to comply and agrees to make payments in lieu of taxes to the jurisdiction.

Sets forth requirement for assistance to Indian families that are not low-income upon a showing of need. Eliminates separate Indian housing plan requirements for small Indian tribes.

Provides Secretary with authority to waive statutory requirements of environmental reviews upon a determination that failure to comply does not undermine goals of the National Environmental Policy Act, will not threaten the health or safety of the community, is the result of inadvertent error and can be corrected by the recipient of funding. The intent is to address problems resulting from procedural, rather than substantive, noncompliance.

Authorizes tribal housing entities to provide housing on Indian reservations to full-time law enforcement officers, sworn to implement the Federal, State, county, or tribal law.

Revises provisions regarding audits and reviews by the Secretary by making applicable the requirements of the Single Audit Act to tribal housing entities; allowing these housing entities to be treated as a non-Federal entities; and, permitting the Secretary to conduct audits. The audits will determine whether the grant recipient has carried out eligible activities in a timely manner; has met certification requirements; has an on going capacity to carry out eligible activities in a timely manner; and, has complied with the proposed housing plan.

Prescribes formula allocation for Indian housing authorities operating fewer than 250 units by requiring the amount of assistance provided to these tribes to be based on an average of their allocations from the prior five (5) fiscal years (fiscal years 1992 through 1997).

Amends hearing requirements to allow the Secretary to take immediate remedial action if the Secretary determines that the recipient has failed to comply substantially with any material provision of NAHASDA resulting in continued federal expenditures not authorized by law.

Upon noncompliance with the law due to technical incapacity, requires a recipient to enter into a ''performance agreement'' with the Secretary before the Secretary can provide technical assistance.

For section 8 vouchers currently being used by an Indian tribe, requires counting such vouchers under the NAHASDA block grant allocation formula to ensure that families currently participating in the Section 8 voucher program will continue to be funded.

Repeals requirement regarding the certification of compliance with subsidy layering requirements with respect to housing assisted with grant amounts provided under the Act.

Subtitle B—Native Hawaiian Housing

Section 511. Short title. Provides that the subtitle may be cited as the ''Hawaiian Homelands Homeownership Act of 2000.''

Section 512. Findings. Finds that Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States, and that Congress finds it necessary to extend the Federal low-income housing assistance available under the Native American Housing and Self Determination Act of 1996 to those Native Hawaiians.

Section 513. Housing assistance. Provides the Secretary of HUD with authority to establish a program for the provision of block grants for affordable housing activities for Native Hawaiians, within the Native American Housing Assistance and Self Determination Act of 1996. The Secretary is to be guided by the program requirements of titles I, II and IV of the Native American Housing Assistance and Self-Determination Act in the implementation of housing assistance programs for Native Hawaiians under this title. The Secretary may make exceptions to, or modifications of, program requirements as necessary and appropriate to meet the unique situation and housing needs of Native Hawaiians. Sets forth definitions, the requirements associated with housing plans, and other program requirements.

Section 514. Loan guarantees. Provides for loan guarantees for Native Hawaiian Housing. Loans guaranteed by the Secretary pursuant to this title shall be in amounts not to exceed one hundred percent of the unpaid principal and interest that is due on an eligible loan. A loan is an eligible loan if that loan is made only to a borrower who is a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, or a private nonprofit organization experience in the planning and development of affordable housing for Native Hawaiians.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

Section 601. Short Title References. States that this title may be cited as the ''Manufactured Housing Improvement Act of 2000.''

Section 602. Findings and purposes. Current law provisions are replaced with a more detailed statement of the original intent of Congress when it enacted the Federal Manufactured Home Construction and Safety Standards Act. Adds a consensus standards development process to the purpose of the act. Expresses the continuing need for affordability and the need for objective, performance-based standards, while emphasizing the need for consumer protection.

Section 603. Definitions. Adds several definitions to Section 603 of current law concerning the consensus committee and the consensus standards development process (Section —4). Adds a definition for the monitoring function and related definitions for primary inspection agency, design approval inspection agency, and production inspection primary inspection agency duties, which had not been previously defined. The term ''dealer'' has been replaced throughout with the term ''retailer.''

Section 604. Federal manufactured home construction and safety standards. Section 604 of current law (P.L. 93–383) is revised to establish a consensus committee that would submit recommendations to the Secretary of HUD for developing, amending and revising both the Federal Manufactured Home Construction and Safety Standards and the enforcement regulations. These recommendations would be published in the Federal Register for notice and comment prior to final adoption by the Secretary. The committee shall be composed of 21 voting members, appointed by the Secretary, based on recommendations of administering organizations, who shall be qualified individuals (7 producers of manufactured housing, 7 users of manufactured housing, and 7 general interest groups and/or public officials), and one additional non-voting member to represent the Secretary on the consensus committee. The committee would function in accordance with the American National Standards Institute (ANSI) procedures for the development and coordination of American National Standards.

If the Secretary fails to take final action on a proposed revised standard, the Secretary shall appear before the housing and appropriation subcommittees and committees of the House of Representatives and the Senate and state the reason for failure.

Further, if the Secretary does not appear in person as required, the Secretary will be

prohibited from expending funds collected under authority of this title in any amount greater than that collected and expended in the fiscal year preceding enactment of the Manufactured Housing Improvement Act of 2000.

The revisions to section 604 would also clarify the scope of federal preemption to ensure that disparate state or local requirements do not affect the uniformity and comprehensive nature of the federal standards. At the same time, the bill would reinforce the proposition that installation standards and regulations remain under the exclusive authority of each state.

Section 605. Abolishment of the National Manufactured Home Advisory Council; manufactured home installation. Section 605 of existing law (P.L. 93–383) would be repealed, abolishing the National Manufactured Home Advisory Council, which is replaced by the consensus committee formed under Section —04. A new section 605 is added, entitled ''Section 605. Manufactured Home Installation,'' which give states five years to adopt an installation program. During this five-year period, the Secretary of the Department of Housing and Urban Development (HUD) and the Consensus Committee are charged with constructing a ''model'' manufactured housing installation program. In states that choose not to adopt an installation program, HUD may contract with an appropriate agent in those states to implement the ''model'' installation program.

Section 606. Public information. Amends current requirements governing cost information of any new standards submitted by manufacturers to the Secretary by requiring the Secretary to submit such cost information to the consensus committee for evaluation.

Section 607. Research, Testing, Development, and Training. Requires HUD Secretary to conduct research, testing, development and training necessary to carry out the purposes of facilitating manufactured housing, including encouraging GSE's to develop and implement secondary market securitization programs for FHA manufactured home loans, and reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes.

Section 608. Prohibited Acts. Requires continued compliance with the requirements for the installation program required by Section 605 in any State that has not adopted and implemented a State installation program.

Section 609. Fees. Amends current section 620 by allowing the Secretary to use industry label fees for the administration of the consensus committee, hiring additional program staff, for additional travel funding, funding of a non-career administrator to oversee the program, and for HUD's efforts to promote the availability and affordability of manufactured housing. Prohibits the use of label fees to fund any activity not expressly authorized by the act, unless already engaged in by the Secretary, makes expenditure of label fees subject to annual Congressional appropriations review. Requires HUD to be accountable for any fee increase by requiring notice and comment rulemaking.

Section 610. Dispute Resolution. In order to address problems that may arise with manufactured homes, Section 610 gives the states five years to adopt a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers regarding the responsibility for the correction or repair of defects in manufactured homes that are reported during the one year period beginning on the date of installation. This also requires state issuance of appropriate orders for the correction or repair of defects in the manufactured homes that are reported during the 1–year period beginning on the date of installation under the dispute resolution program. In states that choose not to adopt their own dispute resolution program, HUD may contract with an appropriate agent in those states to implement a dispute resolution program.

Section 611. Elimination of annual report requirement. Eliminates existing annual reporting by the Secretary to Congress on manufactured housing standards.

Section 612. Effective date. Effective date of the legislation is the date of enactment, except that interpretive bulletins or orders published as a proposed rule prior to the date of enactment shall be unaffected.

Section 613. Savings provision. Existing manufactured housing standards are maintained in effect until the effective date of the Federal manufactured home construction and safety standards pursuant to the amendments made by this act.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

Section 701. Guarantees for refinancing of rural housing loans. Amends Section 502(h) of the Housing Act of 1949 to allow borrowers of Rural Housing Service single-family loans to refinance an existing direct or guarantee loan with a new guarantee loan, provided the interest rate is at least equal or lower than the current interest rate being refinanced; the same home is used as security; the principle is equal or lower than the refinanced amount plus closing costs, discount points not exceeding 2 basis points and, an origination fee prescribed by the Agriculture Secretary [HR 3834 (Andrews) Homeowners Financing Protection Act (passed the House under suspension on September 19, 2000).]

Section 702. Promissory note requirement under housing repair loan program. Increases amount of promissory note (instead of use of liens on property) amounts from $2,500 to $7,500 (adjusted from late 1970's amount to account for home repairs, e.g. roofing, heating systems, windows, etc.) without going through the formal loan process.

Section 703. Limited partnership eligibility for farm labor housing loans. Technical amendment that clarifies that limited partnerships are eligible for loans under Section 514 (Farm Labor Housing) in cases where the general partner is a nonprofit entity.

Section 704. Project accounting records and practices. Sets forth accounting and record keeping requirements, including maintaining accounting records in accordance with generally accepted accounting principles for all projects that receive funds under this program; retaining records available for inspection by the USDA Secretary for not less than six years, and other requirements.

Section 705. Definition of rural area. Extends designation of rural areas, for purposes of the Rural Housing Service housing programs, for a narrow category of communities until the 2010 census.

Section 706. Operating assistance for migrant farmworkers projects. Allows Section 521 operating assistance for farm labor housing complexes where ''mixed'' migrant and annual workers will live.

Section 707. Multifamily rental housing loan guarantee program. Allows Native Americans to become eligible borrowers under the multifamily loan guarantee program; authorizes a ''balloon payment'' as a financing option; allow fees from lenders to be used to help offset program costs; and repeals existing prohibition against the transfer of property title from the lender to the federal government as well as the prohibition against the transfer of liability from one borrower to another.

Section 708. Enforcement provisions. Provides criminal penalties and civil sanctions for violations of program requirements.

Section 709. Amendments to title 18 of the United States Code. Amends Title 18 of the U.S. Code—Money Laundering—to strengthen enforcement and prosecution of program fraud and abuse.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

Section 801. Short Title. This title may be cited as the ''Affordable Housing for Seniors and Families Act.''

Section 802. Regulations. Provides that the Secretary of HUD shall issue regulations implementing the provisions of this title only after notice and opportunity for public comment.

Section 803. Effective Date. Provides that the provisions of the title are effective upon enactment unless such provisions specifically provide for effectiveness or applicability upon another date certain.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

Section 811. Prepayment and refinancing. Requires the Secretary to approve prepayment of mortgages for Section 202 properties if the sponsor (owner) continues the low-income use restrictions. Requires that upon refinancing, the Secretary make available at least 50% of annual savings resulting from reduced Section 8 or other rental housing assistance in a manner that is advantageous to tenants, which may include increasing supportive services, rehabilitation, modernization, and retrofitting of structures, and other specified purposes.

This allows sponsors to build equity in their project that can be used to refinance at lower interest rates. The refinancing may result in lower project based Section 8 if the sponsor elects lower debt service in addition to the lower interest rate. The savings can then be used for improvements to the facility or services for residents.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons with Disabilities

Section 821. Supportive housing for elderly persons. Authorizes such sums for the existing program of supportive housing for the elderly (section 202 housing) for FY 01 and ''such sums as may be necessary'' for FY 02, and FY 03.

Section 822. Supportive housing for persons with disabilities. Authorizes such sums for the existing program of supportive housing for the disabled (section 811 housing) for FY 01 and ''such sums as may be necessary'' for FY 02, and FY 03.

Section 823. Service coordinators and congregate services for elderly and disabled housing. Authorizes such sums for grants for service coordinators, who link residents with supportive or medical services in the community, for certain federally assisted multifamily housing projects for FY 01 and ''such sums as may be necessary'' for FY 02, and FY 03.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons with Disabilities

PART 1—HOUSING FOR THE ELDERLY

Section 831. Eligibility of for-profit limited partnerships. Allows 202 sponsors to form

limited partnerships with for-profits, but the nonprofits must be the controlling partner. Through this partnership, the sponsors could compete for the low income housing tax credit. With this change, owners could build bigger developments and achieve scale economies. The units financed under Section 202 would be governed by those rules, and the tax credit units would be governed under those rules. States would still be making the decision who gets the LIHTC, and the limited partnerships would have to compete like everybody else.

Section 832. Mixed funding sources. Allows private non-profit housing providers to use all sources of financing, including Federal funds, for amenities, relevant design features and construction of affordable housing for seniors.

Section 833. Authority to acquire structures. Removes limitation allowing private non-profit housing providers to acquire only RTC-held properties. RTC went out of business. This provision allows 202 projects to acquire properties.

Section 834. Use of project reserves. Project reserves, a set-aside account funded through rent receipts for repairs to the building's structure or infrastructure over the years (roof, elevator, etc.), may be used to reduce the number of dwelling units in the 202 project. The use of these funds is subject to the Secretary's approval to ensure the use is designed to retrofit obsolete or unmarketable units.

During the cost containment phase of the Section 202 program, many efficiencies were built. In many cases, it is preferable to convert efficiencies to 1 or 2 bedroom apartments. In other instances, the project may want to reduce units to make room for a clinic or community space.

Section 835. Commercial activities. Makes clear that commercial facilities may be located and operated in Section 202 projects, as long as the business is not subsidized with 202 funds. These facilities can benefit residents and bring some additional revenue (rent) to the project.

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

Section 841. Eligibility of for-profit limited partnerships. Provides that for-profit limited partnerships are eligible to participate in the 811 program established under this Act. The nonprofit will be the controlling partner, and the limited partnership may compete for the LIHTC.

Section 842. Mixed funding sources. Allows private non-profit housing providers to use all sources of financing, including Federal funds, for amenities, relevant design features and construction of affordable housing for the disabled.

Section 843. Tenant-based assistance for persons with disabilities. Provides that tenant-based rental assistance provided under Section 811 of the Cranston-Gonzalez National Affordable Housing Act may be provided by a private nonprofit organization as well as by a public housing agency as under current law.

Section 844. Use of project reserves. Project reserves may be used to reduce the number of dwelling units in an 811 project to retrofit obsolete or unmarketable units. Allows flexibility to design the project in a way that makes it more comfortable & appealing for the residents.

Section 845. Commercial Activities. Clarifies that commercial facilities may be located and operated in Section 811 projects, as long as the business is not subsidized with 811 funds.

PART 3—OTHER PROVISIONS

Section 851. Service coordinators. Allows service coordinators to assist low-income elderly or disabled families living in the vicinity of an eligible federally assisted project. Requires HUD and HHS to develop standards for service coordinators in federally assisted housing to educate seniors about telemarketing fraud and facilitating prosecution of such fraud. This change will make the project a focal point of the community, address the isolation many seniors feel particularly in rural areas—and help seniors protect themselves against fraud.

SUBTITLE D—PRESERVATION OF AFFORDABLE HOUSING STOCK

Section 861. Section 236 Assistance. Allows owners of uninsured Section 236 projects to retain excess income. This money is needed for repairs to the aging projects. The FY 00 VA–HUD bill allowed uninsured Section 236 owners to retain excess income (which results when 30% of somebody's income exceeds the base rent established by HUD), but the authority had to be approved on an annual basis through the appropriations process. This provision puts the uninsured 236s on equal footing with the FHA insured projects, which are already allowed to retain excess income.

To the extent a project owner has remitted excess income charges to HUD since the date of enactment of the FY 1999 appropriations Act, the Department may return to the relevant project owner any such excess charges remitted. This would put these owners on an equal footing with those owners who had retained these excess charges and whom HUD has, through notice, permitted to retain such excess income.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

Section 901. Extension of Loan Term for Manufactured Home Lots. Extends the loan terms for manufactured home lots financed by insured financial institutions from 15 years, 32 days to 20 years, 32 days.

Section 902. Use of Section 8 Vouchers for Opt—Outs. Amends the VA, HUD and Independent Agencies Appropriations Act of FY 2001 by changing the effective date when Section 8 vouchers may be used in situations where owners opt out of the program from 1996 to 1994.

Section 903. Maximum payment standard for enhanced vouchers. Amends the VA, HUD and Independent Agencies Appropriations Act of FY 2001 to require that HUD may not limit the value of enhanced vouchers as provided under the statute if such limit would adversely affect the assisted families to which enhanced vouchers are provided.

Section 904. Use of section 8 assistance by ''grand-families'' to rent dwelling units in assisted projects. Allows HOME funds (in rental units otherwise not eligible for HOME funds) to be used for facilities with units with low-income families having a grandparent residing with a grandchild, or in some cases, where great- and great-great grandchildren are residing in the unit, with neither of the child's parents residing in the household.

TITLE X—FEDERAL RESERVE BOARD PROVISIONS

Section 1001. Federal Reserve Board Buildings. Allows the Federal Reserve Board to have more than one building.

Section 1002. Positions of Board of Governors of Federal Reserve System on the Executive Schedule. Raises the pay of the Chairman of the Federal Reserve Board from Level II of the Executive Schedule to Level I (approx. $14,800) and the Board Members from Level III to Level II (approx. $10,500).

Section 1003. Amendments to the Federal Reserve Act. Provides a new reporting requirement to replace the expired provisions relating to the semi-annual ''Humphrey-Hawkins'' reports requirements. Section 1002 requires the Chairman of the Federal Reserve Board to appear before Congress at semi-annual hearings to discuss monetary policy as well as economic developments and prospects for the future. The Chairman will appear before the House Banking Committee around February 20 of even numbered years and July 20 of odd numbered years, and before the Senate Banking Committee on February 20 of odd numbered years and July 20 of even numbered years. Either Committee may request the Chairman to appear after his scheduled appearance before the other.

Requires the Federal Reserve Board to submit, concurrent with each semi-annual hearing, a written report to both Committees discussing the same subjects, taking into account developments in employment, unemployment, production, investment, real income, productivity, exchange rates, international trade and payments, and prices.

TITLE XI—BANKING AND HOUSING AGENCY REPORTS

Section 1101. Short title. The title is cited as the ''Federal Reporting Act of 2000.''

Section 1102. Preservation of certain reporting requirements. This Section reinstates certain reports which expired in May 2000 pursuant to the Federal Reports Elimination and Sunset Act of 1995.

(1) President's economic report, together with the annual report of the Council of Economic Advisors. Due: During first 20 days of each regular session.

(2) President's report on impact of offsets on the defense preparedness, industrial competitiveness, employment, and trade of the US. Due: Annually (to Banking and Armed Services Committees) (This report discloses impact on the U.S. economy in cases where foreign governments, to justify the purchase of U.S.-made defense systems, require technology transfers or direct in-country investments. Such concessions ensure the sale but may impair future sales or enhance the production capacity of a potential foreign competitor to the U.S.)

(3) Commerce Department report on operations under the Public Works and Economic Development Act of 1965 (by the Economic Development Administration) Due: Annually.

(The EDA provides grants for public works and other assistance to alleviate unemployment in economically distressed areas.)

(4) HUD's agenda of all rules and regulations under development or review. Due: Semiannually (to Banking Committee).

(5) HUD report on early defaults on FHA-insured loans. Due: Annually. (The report includes data on lenders and the numbers of loans they make—and defaults and foreclosures thereon—by census tract.)

(6) Two HUD Reports related to civil rights: (a) Progress in eliminating discriminatory housing practices. Due: Annually. (The report reviews the nature and extent of progress in eliminating housing discrimination practices, obstacles remaining, and recommendations for legislation or executive action.) and (b) Data on applicants, participants, and beneficiaries of the programs administered by HUD. Due: Annually. (The report provides data on race, color, religion, sex, national origin, age, handicap, and family characteristics of applicants or participants in HUD programs.)

(7) Two HUD reports related to lead-based paint hazards: (a) Assessment of the progress made in implementing the various programs authorized by the Act. Due: Annually. (This report covers research/studies into lead poisoning and recommendations for legislative or other action to improve HUD's performance in combating such hazards.); and (b) Progress of the Department in implementing expanded lead-based paint hazard evaluation and reduction activities. Due: Biennially. (This report is related to the one above and provides an assessment of HUD's progress in various lead-based paint abatement programs.)

(8) FHA annual report. Due: Annually. (The report provides an analysis of income-demographic borrower information, specifically related to incomes not exceeding 100% of area median income (AMI), 80% of AMI, 60% of AMI; minority, central city and rural borrowers; and, HUD activities to ensure participation by these groups.)

(9) HUD annual report. Due: Annually. (This is an annual report by the Secretary to the President for submission to the Congress on all operations and programs under HUD's jurisdiction during the previous year.)

(10) HUD annual report. Due: Annually. (This is a general requirement for an annual report from the Secretary to the President on the activities of HUD for submission to Congress.)

(11) FEMA report on operations under the National Flood Insurance Act of 1968. Due: Biennially. (This report covers operations of the national flood insurance program offered to communities which enforce flood plain management measures.)

(12) HUD report on Indians and Alaska Native housing and community development. Due: Annually. (The report covers the housing needs of Indian tribes in the U.S. and HUD's activities in meeting such needs. It includes estimates of the costs of projected activities for succeeding fiscal years, statistics on the conditions of Indian and Alaska Native housing, and recommendations for new legislation.)

(13) HUD report on actuarial soundness of the Mutual Mortgage Insurance Fund. Due: Annually. (The report describes HUD actions to ensure the Fund maintains a capital ratio of at least 1.25 percent.)

(14) Treasury Department report on progress in enhancing human rights through U.S. participation in international financial institutions. Due: Quarterly (to Banking and International Relations Committees).

(15) Treasury Department reports: (a) Financial statement and report of transactions of the Exchange Stabilization Fund (ESF). Due: Monthly (to Banking Committee); and (b) Operations of the ESF. Due: Annually.

(16) OCC, FDIC, and Federal Reserve Board reports on activities of the consumer affairs division. Due: Annually. (These reports describe actions taken by the agencies to prevent unfair or deceptive acts or practices by banks and to address consumer complaints.)

(17) OCC Annual Report. Due: Annually.

(18) OTS report on minority institutions. Due: Annually. (This report relates to OTS actions to preserve minority ownership of minority financial institutions many of which serve lower income and minority communities.)

(19) Appalachian Regional Commission report of activities. Due: Annually. (The report covers Federal-State activities to support economic development in the 13 Appalachian states.)

(20) Export-Import Bank reports: (a) Export financing competition. Due: Annually. (This report reviews how well Exim's programs compete with those of other export credit agencies, and includes other ''sub-reports'' which will also continue, i.e. the Trade Promotion Coordinating Committee (TPCC) Strategic Plan, Advisory Committee comments on Exim's competitiveness, and Competitive Insurance Opportunities report on Exim deals with respect to countries that deny opportunities to US insurance companies.); (b) Tied aid credits. Due: Biannually. (This report covers the tied aid credit program under which grants are made to supplement financing for a US export when it appears predatory financing will be available from another country for a competitor's product.); and (c) Operations as of the close of business each fiscal year. Due: Annually. (This report includes other ''sub-reports'' which would also be retained, i.e. environmental exports and small business exports. Three other sub-reports are listed for repeal under Section 1005.)

(21) FDIC report on operations of the Corporation. Due: Annually. (The report also includes information on the BIF and SAIF.)

(22) Federal Financing Bank report on activities of the Bank. Due: Annually. (The FFB lends to federal agencies to reduce the cost of borrowing, ensure coordination of borrowings with federal fiscal and debt management, and assure minimal disruption of private markets and institutions.)

(23) Federal Housing Finance Board Annual Report. Due: Annually.

(24) Federal Reserve survey of bank fees and services. Due: Annually. (The report covers discernible changes in cost and availability of bank services.)

(25) Federal Reserve assessment of the profitability of credit card operations of depository institutions. 15 U.S.C. 1637 Due: Annually. (The report also discusses trends in credit card interest rates.)

(26) Federal Reserve report on credit card price and availability information. Due: Semiannually. (The Board provides information on a sample of 150 card issuers twice a year.)

(27) Federal Reserve activities under the Equal Credit Opportunity Act. Due: Annually. (This information is included in the Board's annual report.)

(28) Federal Reserve report on administration of and recommendations as to changes in the Truth in Lending Act. Due: Annually. (The report provides information on compliance with TILA regulations.)

(29) Federal Reserve Board of Governors report of activities. Due: Annually.

(30) Federal Reserve report on policy actions of the Federal Open Market Committee and the Board. Due: Annually. (This is included in the Fed's annual report.)

(31) Federal Trade Commission's reports on administration of the Fair Debt Collection Practices Act. Due: Annually. (The report covers elimination of abusive debt collection practices.)

(32) National Credit Union Administration's report on operations and financial information. Due: Annually.

(33) Treasury Department report on activities and audit of financial statement of the Resolution Funding Corporation. Due: Annually. (REFCORP was established by FIRREA to raise funding for RTC resolution of insolvent S&Ls. Funds are appropriated to Treasury to pay interest on obligations issued by REFCORP.)

(34) Neighborhood Reinvestment Corporation's annual report. Due: Annually. (The corporation was set up to continue the work of the Urban Reinvestment Task Force in establishing neighborhood housing services and providing grants and technical assistance to facilitate reinvestment.)

(35) Voluntary agreements under the Defense Production Act. Due: At least annually. (This report is due to the Congress and the President from any individual(s) designated by the President, describing voluntary agreements and plans of action in effect for preparedness programs and expansion of production capacity and supply.)

(36) Justice Department report on data collection re banks and banking. Due: Quarterly. (This report details civil and criminal investigations and prosecutions relating to banking law offenses.)

(37) Federal Housing Administration Advisory Board report on assessment of the activities of the Federal Housing Administration; effectiveness of the Mortgagee Review Board. Due: Annually. (This report covers the soundness of FHA's underwriting procedures and other activities relating to the FHA's ability to serve nation's homebuyers and renters, as well as the effectiveness of the Mortgagee Review Board which takes action against mortgagees in violation of the Fair Housing Act or other statutory requirements.)

Section 1103. Coordination of Reporting Requirements. Subsection (a) requires the FDIC's annual report to include the agency's annual consumer affairs report.

Subsection (b) requires the annual report of the Federal Reserve Board of Governor to include the Fed's annual report of activities under the Equal Credit Opportunity Act, the Board's annual consumer affairs report, the annual report on administration of the Truth in Lending Act, and the Fed's annual report on policy actions of the Federal Open Market Committee and the Board.

Subsection (c) requires the OCC annual report to include the agency's annual consumer affairs report.

Subsection (d) requires the Exim Bank's annual report on export financing competition to include the tied aid report, and makes the latter an annual rather than semi-annual report.

Subsection (e) requires HUD's annual report to include the Department's two annual reports required under the Civil Rights Act relating to progress in eliminating housing discrimination and data on applicants and participants in HUD programs, the Department's annual and biennial reports on lead based paint, the Department's annual report on all HUD programs and operations, and HUD's annual report on housing programs related to Indians and Alaskan Natives.

Subsection (f) requires the annual report of the Federal Housing Administration to include the annual report on early defaults on FHA-insured loans and the annual report on the actuarial soundness of the Mutual Mortgage Insurance Fund.

Subsection (g) amends the International Financial Institutions Act to change Treasury's report on promoting human rights through international financial institutions from a quarterly report to an annual report.

Section 1104. Elimination of certain reporting requirements. Provides for the repeal of certain Export-Import Bank reports. One is a report from the President requesting legislation if the amount of direct loan authority or guarantee authority available to the Export-Import Bank for the fiscal year involved exceeds the amount necessary. This report is being repealed because it is a corollary to the President's annual report on sufficiency of Exim authority which expired pursuant to the sunset. There are four ''sub-reports'' to

Exim's annual report that are also to be repealed: (1) a report on specific Exim's programs and activities to promote nonnuclear renewable energy resources and description of Exim's actions to assist small business which is being repealed because this information is already included in other reports; (2) a report on Exim's actions on maintaining ''key linkage industries'' which is unnecessary because Exim's annual report covers exports for various industries; (3) a report on Exim's measures to supplement financing for agricultural commodities which was enacted 20 years ago but which is no longer needed with Exim continuing to be involved in this area; and (4) a report on Exim's programs on the export of services which is also covered in the annual report since it is part of Exim's activities.

This section also provides for the repeal of a semi-annual FDIC report on the agency's efforts to maximize the efficient use of private sector contractors to manage assets held by the agency. There is little need for the report today since assets have declined significantly since 1991. The 1999 report showed the agency had only about 3% of the assets in liquidation it had 7 years earlier.

TITLE XII—FINANCIAL REGULATORY RELIEF

Section 1200. Short Title. This title may be cited as the ''Financial Regulatory Relief and Economic Efficiency Act of 2000.

Section 1201. Repeal of Savings Association Liquidity Provision. Repeals unnecessary provisions relating to savings association liquidity requirements.

Section 1202. Non-controlling Investments by Savings Association Holding Companies. Allows a savings and loan holding company to acquire a five to twenty-five percent non-controlling interest of another SLHC or savings association, subject to the approval of the Director of the OTS.

Section 1203. Repeal of Deposit Broker Notification and Record Keeping Requirement. Repeals requirement that brokers file a written notice with the FDIC before soliciting or placing deposits with an insured depository institution.

Section 1204. Expedited Procedures for Certain Reorganizations. Simplified procedures for a national bank reorganizing into a bank holding company.

Section 1205. National Bank Directors. Permits national banks to elect directors to terms of up to 3 years on a staggered basis. Permits Comptroller to remove the limitation on the number of board members.

Section 1206. Amendment to Bank Consolidation and Merger Act. Permits national bank, upon approval of Comptroller, to merge or consolidate with its subsidiaries or nonbank affiliates—with no increase in powers for the national bank.

Section 1207. Loans on or Purchases by Institutions of their own Stock. Repeals prohibition on a bank owning or holding its stock, but retains prohibition on making loans or discounts on the security of its own stock.

Section 1208. Purchased Mortgage Servicing Rights. Authorizes the appropriate Federal banking agencies to jointly simplify capital calculations by not requiring banks or thrifts to distinguish between types of mortgage servicing rights. This would allow regulators to value marketable mortgages servicing assets in capital determinations up to 100% of their fair market value rather than the current level which is limited to 90% of fair market value.

Subtitle B—Streamlining Activities of Institutions

Section 1211. Call Report Simplification. Provides for the modernization of the call report filing and disclosure system.

Subtitle C—Streamlining Agency Actions

Section 1221. Elimination of Duplicative Disclosure of Fair Market Value of Assets and Liabilities. Clarifies that banking agencies need no longer pursue further development of the supplemental disclosure method. Even so, Section 36 of FDIA and its supporting regulations provide agencies with discretion to seek additional information in regulatory reports and annual reports regarding fair market value.

Section 1222. Payment of Interest in Receiverships With Surplus Funds. Gives the FDIC the authority to establish a uniform interest rate with regard to receiverships.

Section 1223. Repeal of Reporting Requirements on Differences in Accounting Standards. Amends the requirement for each agency to produce an Annual Report on ''Agency Differences in Reporting Capital Ratios and Related Standards.'' Instead, this provision directs the Federal banking agencies to jointly produce one report.

Section 1224. Extension of Time. Extends deadline for new FHLB capital rules from 12 months to 18 months.

Subtitle D—Technical Corrections

Section 1231. Technical Correction Relating to Deposit Insurance Funds. Makes technical correction to FDIA.

Section 1232. Rules for Continuation of Deposit Insurance for Member Banks Converting Charters. Makes technical changes with regard to a cross-reference cite.

Section 1233. Amends to the Revised Statutes of the United States.

1233(a) Provides that the Comptroller may waive the U.S. citizenship requirement for up to a minority of a national bank's directors. The Economic Growth and Regulatory Paperwork Reduction Act (EGRPRA) inadvertently deleted the long-standing authority of the Comptroller to waive the citizenship requirement for up to a minority of directors of national banks that are subsidiaries of affiliates of foreign banks.

1233(b) Updates Section 11 to reflect that national banks no longer issue national currency, while maintaining the provision that prohibits the Comptroller from owning interest in the national banks they regulate.

1233(c) Repeals Section 5138 of the Revised Statutes (first enacted in 1864), which imposes minimum capital requirements for national banks. This minimum capital requirement (ranging from $50,000 to $200,000) is obsolete, since Congress granted the Federal banking agencies the regulatory authority to establish minimum capital requirements in 1983.

Section 1234. Conforming Changes to the International Banking Act of 1978. Allows branches and agencies of foreign banks that satisfy the asset test imposed on domestic banks to be examined on an 18-month cycle instead of the 12-month cycle.

ADDITIONAL COSPONSORS

S. 664

At the request of Mr. L. CHAFEE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 1716

At the request of Mr. TORRCELLI, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Maryland (Ms. MILULSKI) were added as cosponsor of S. 1716, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2363

At the request of Mr. CRAPO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2363, a bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications.

S. 2434

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2585

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 3145

At the request of Mr. BREAUX, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 3145, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment under the tax-exempt bond rules of prepayments for certain commodities.

S. 3211

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 3211, a bill to authorize the Secretary of Education to provide grants to develop technologies to eliminate functional barriers to full independence for individuals with disabilities, and for other purposes.

S. 3250

At the request of Mr. BROWNBACK, the names of the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. MCCAIN), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator

from Montana (Mr. BAUCUS) were added as cosponsors of S. 3250, a bill to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

S. 3269

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3269, a bill to establish a Commission for the comprehensive study of voting procedures in Federal, State, and local elections, and for other purposes.

AMENDMENT NO. 3996

At the request of Mr. JOHNSON, his name was added as a cosponsor of Amendment No. 3996 proposed to H.R. 4461, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

AMENDMENT TO 2ND QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM MAY 1 TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steve Cortese:.									
Japan	Yen		262.00						262.00
South Korea	Won		678.00						678.00
Jennifer Chartrand:									
Japan	Yen		393.00						393.00
South Korea	Won		678.00						678.00
Tom Hawkins:									
Japan	Yen		393.00						393.00
South Korea	Won		678.00						678.00
Total			3,082.00						3,082.00

TED STEVENS,
Chairman, Committee on Appropriations, Oct. 25, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1, TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
United States	Dollar				6,378.42				6,378.42
Korea	Dollar		276.00						276.00
China	Dollar		1,241,60.00						1,241.60
China	Yuan		2,566.39						2,566.39
Hong Kong	Dollar		690.00						690.00
Indonesia	Dollar		75.00						75.00
East Timor	Dollar		320.00						320.00
Australia	Dollar		214.00						214.00
Peter Reinecke:									
United States	Dollar				6,622.42				6,622.42
Korea	Dollar		552.00						552.00
China	Dollar		1,241,60.00						1,241.60
China	Yuan		310.40						310.40
Hong Kong	Dollar		690.00						690.00
Indonesia	Dollar		75.00						75.00
East Timor	Dollar		320.00						320.00
Australia	Dollar		214.00						214.00
Senator Ted Stevens:									
United Kingdom	Dollar		793.00						793.00
Senator Thad Cochran:									
United Kingdom	Dollar		1,074.00						1,074.00
Steve Cortese:									
United Kingdom	Dollar		1,074.00						1,074.00
Sid Ashworth:									
United Kingdom	Dollar		1,074.00						1,074.00
Andy Givens:									
United Kingdom	Dollar		1,074.00						1,074.00
Gary Reese:									
United Kingdom	Dollar		1,074.00						1,074.00
John Young:									
United Kingdom	Dollar		1,074.00						1,074.00
Fred Pagan:									
United Kingdom	Dollar		1,074.00						1,074.00
Total			17,096.99		13,000.84				30,097.83

TED STEVENS,
Chairman, Committee on Appropriations, Oct. 23, 2000.

AMENDMENT TO 1ST QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Warner:									
Morocco	Dollar		472.00						472.00
Macedonia	Dollar		444.00						444.00
Bosnia and Herzegovina	Dollar		351.00						351.00
United Kingdom	Dollar		762.00						762.00
France	Dollar		323.00						323.00
Romie L. Brownlee:									
Morocco	Dollar		372.00						372.00
Macedonia	Dollar		444.00						444.00
Bosnia and Herzegovina	Dollar		351.00						351.00
United Kingdom	Dollar		381.00						381.00
Judith A. Ansley:									
Morocco	Dollar		372.00						372.00
Macedonia	Dollar		444.00						444.00
Bosnia and Herzegovina	Dollar		351.00						351.00
United Kingdom	Dollar		762.00						762.00
France	Dollar		323.00						323.00
Total			6,152.00						6,152.00

JOHN WARNER,
Chairman, Committee on Armed Services, Sept. 30, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1, TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator James Inhofe:									
United Kingdom	Pound	716	1,074.00						1,074.00
Total			1,074.00						1,074.00

JOHN WARNER,
Chairman, Committee on Armed Services, Sept. 30, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1, TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
United Kingdom	Pound		1,442.00						1,442.00
Netherlands	Guilder		492.00						492.00
Belgium	Franc		741.00						741.00
Senator Jim Bunning:									
United Kingdom	Pound		1,442.00						1,442.00
Netherlands	Guilder		492.00						492.00
Belgium	Franc		741.00						741.00
Senator Mike Crapo:									
United Kingdom	Pound		1,442.00						1,442.00
Netherlands	Guilder		492.00						492.00
Belgium	Franc		741.00						741.00
Ruth Cymber:									
United Kingdom	Pound		1,215.68						1,215.68
Netherlands	Guilder		492.00						492.00
Belgium	Franc		741.00						741.00
Lendell Porterfield:									
Finland	Dollar		474.00		4,887.30				5,361.30
Sweden	Dollar		560.00						560.00
Norway	Dollar		522.00						522.00
Denmark	Dollar		476.00						476.00
Total			12,505.68		4,887.30				17,392.98

PHIL GRAMM,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Oct. 11, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SENATE BUDGET COMMITTEE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Alice Grant:									
Thailand	Dollar		696.00						696.00
Cambodia	Dollar		230.00						230.00
Vietnam	Dollar		802.00						802.00
Hong Kong	Dollar	2,691.00	345.00						345.00
	Dollar				4,026.21				4,026.21
Senator Frank Lautenberg:									

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SENATE BUDGET COMMITTEE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
China	Dollar		2,322.00						2,322.00
	Yuan	2,976.48	360.00						360.00
	Dollar				4,302.21				4,302.21
Frederic Baron:									
China	Dollar		2,284.00						2,284.00
	Yuan	2,976.48	360.00						360.00
					4,775.21				4,775.21
Total			7,399.00		13,103.63				20,502.63

PETE V. DOMENICI,
Chairman, Committee on Budget, Sept. 28, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JULY 1, TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Margaret F. Spring:									
Canada	Dollar		376.56		545.15				921.71
Samuel E. Whitehorn:									
Canada	Dollar	816.52	548.00					816.52	548.00
United States	Dollar				358.00				358.00
Total			924.56		903.15				1,827.71

JOHN MC CAIN,
Chairman, Committee on Commerce, Science, and Transportation, Oct. 3, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David Garman:									
Finland	Finmark	4,349.40	659.00		5,565.55			4,349.40	6,224.55
Total			659.00		5,565.00				6,224.55

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Sept. 30, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JUNE 24 TO JULY 1, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard Chriss:									
Switzerland	Franc	3,268.93	1,512.11		1,934.94			3,268.93	3,447.05
Total			1,512.11		1,934.94				3,447.05

BILL ROTH,
Chairman, Committee on Finance, Oct. 24, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Frist:									
Kenya	Dollar		987.00						987.00
Sudan	Dollar		125.00						125.00
United States	Dollar				8,331.94				8,331.94
Senator Robert Torricelli:									
Dominician Republic	Dollar		162.00						162.00
United States	Dollar				1,219.46				1,219.46
Stephen Biegun:									
Israel	Dollar		1,402.00						1,402.00
Jordan	Dollar		696.00						696.00
United States	Dollar				4,337.80				4,337.80
Jonah Blank:									
Uzbekistan	Dollar		1,332.00						1,332.00
Kazakhstan	Dollar		313.00						313.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kyrgyzstan	Dollar		1,220.00						1,220.00
China	Dollar		1,735.00						1,735.00
United States	Dollar				7,001.00				7,001.00
Dominican Republic	Dollar		575.00						575.00
United States	Dollar				1,273.80				1,273.80
Robert Epplin:									
Thailand	Dollar		696.00						696.00
Cambodia	Dollar		230.00						230.00
Vietnam	Dollar		802.00						802.00
Hong Kong	Dollar		1,035.00						1,035.00
United States	Dollar				4,140.22				4,140.22
Heather Flynn:									
Ethiopia	Dollar		1,190.00						1,190.00
Kenya	Dollar		1,200.00						1,200.00
Eritrea	Dollar		800.00						800.00
United States	Dollar				7,616.00				7,616.00
Garrett Grigsby:									
Zimbabwe	Dollar		1,200.00						1,200.00
United States	Dollar				8,871.80				8,871.80
Michael Haltzel:									
Lithuania	Dollar		234.00						234.00
Latvia	Dollar		269.00						269.00
Estonia	Dollar		192.00						192.00
Norway	Dollar		555.00						555.00
United States	Dollar				5,535.00				5,535.00
Richard Houghton:									
Thailand	Dollar		696.00						696.00
Cambodia	Dollar		230.00						230.00
Vietnam	Dollar		802.00						802.00
Hong Kong			1,035.00						1,035.00
United States					4,140.22				4,140.22
Frank Jannuzi:									
Uzbekistan	Dollar		1,332.00						1,332.00
Kazakhstan	Dollar		313.00						313.00
Kyrgyzstan	Dollar		1,220.00						1,220.00
China	Dollar		1,735.00						1,735.00
United States	Dollar				7,001.00				7,001.00
James Jones:									
Belgium	Dollar		498.00						498.00
United States	Dollar				6,581.44				6,581.44
Kenya	Dollar		1,477.00						1,477.00
Sudan	Dollar		125.00						125.00
United States	Dollar				6,700.67				6,700.67
Roger Noriega:									
Mexico	Dollar		1,115.00						1,115.00
United States	Dollar				469.00				469.00
Total			27,528.00		73,219.35				100,747.35

JESSE HELMS,
Chairman, Committee on Foreign Relations, Oct. 5, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mitchel Kugler:									
Kwajalein Marshall Islands	Dollar		350.00		3,492.95				3,842.95
Senator Daniel Akaka:									
Cuba	Dollar		197.00						197.00
Elise Bean:									
United Kingdom	Dollar		736.00		2,678.79				3,414.79
Robert Roach:									
United Kingdom	Dollar		867.46		2,678.79				3,546.25
Total			2,150.46		8,850.53				11,000.99

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, Oct. 5, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
United States	Dollar				2,754.53				2,754.53
	Dollar		5,791.93		7,083.67				12,875.60
United States	Dollar				4,887.30				4,887.30
	Dollar		2,032.00						2,032.00
Kathy Casey:									
United States	Dollar				2,754.53				2,754.53
	Dollar		5,791.93						5,791.93
Randy Bookout:									
United States	Dollar				2,754.53				2,754.53
	Dollar		4,994.61						4,994.61
United States	Dollar				489.00				489.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
	Dollar		498.00						498.00
Patricia McNerney:									
United States	Dollar				5,376.09				5,376.09
	Dollar		1,105.00						1,105.00
James Barnett:									
United States	Dollar				5,376.09				5,376.09
	Dollar		1,105.00						1,105.00
Linda Taylor:									
United States	Dollar				5,485.80				5,485.80
	Dollar		1,580.00						1,580.00
Michele Lang:									
United States	Dollar				6,013.60				6,013.60
	Dollar		2,431.00						2,431.00
Peter Dorn:									
United States	Dollar				6,013.60				6,013.60
	Dollar		2,431.00						2,431.00
William Duhnke:									
United States	Dollar				4,887.30				4,887.30
	Dollar		1,676.00						1,676.00
Senator Max Baucus	Dollar		260.00				400.00		660.00
Senator Pat Roberts	Dollar		400.00						400.00
Lorenzo Goco	Dollar		360.00						360.00
Chad Tenpenny	Dollar		400.00						400.00
Dan Geisler	Dollar		400.00						400.00
Ira Wolf	Dollar		400.00						400.00
Leroy Towns	Dollar		400.00						400.00
Total	Dollar		32,056.47		53,876.04		400.00		86,332.51

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, Oct. 10, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Maricia Lee:									
United States					2,574.90				2,574.90
Holland			671.29						671.29
Germany			341.27						341.27
Jeffrey A. Taylor:									
United States					5,814.90				5,814.90
Holland			890.00						890.00
Germany			348.00						348.00
Robert Coughlin:									
United States					5,814.90				5,814.90
Holland			1,066.00						1,066.00
Germany			347.49						347.49
Leah Belaire:									
United States					5,814.90				5,814.90
Holland			1,066.00						1,066.00
Germany			347.49						347.49
Total			5,077.54		20,019.60				25,097.14

ORRIN HATCH,
Chairman, Committee on the Judiciary, Oct. 30, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), OF CODEL GRASSLEY (SLOVENIA PORTION OF NATO PA DELEGATION TRIP), TRAVEL FROM MAY 30 TO JUNE 1, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Charles Grassley:									
Slovenia	Dollar		430.00						430.00
Senator Mike Enzi:									
Slovenia	Dollar		365.00						365.00
Senator George Voinovich:									
Slovenia	Dollar		264.61						264.61
Ian Brzezinski:									
Slovenia	Dollar		430.00						430.00
Kolan Davis:									
Slovenia	Dollar		430.00						430.00
Julia Hart:									
Slovenia	Dollar		430.00						430.00
Bob Nickel:									
Slovenia	Dollar		177.00						177.00
Delegation Expenses [1]							4,277.75		4,277.75
Total			2,526.61				4,277.75		6,804.36

[1] Delegation expenses include direct payments and reimbursements to the Department of Defense and the Department of State under authority of Section 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of Public Law 95–384, agreed to May 25, 1977.

CHARLES GRASSLEY,
Chairman, Committee on International Trade, Oct. 2, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON NATIONAL SECURITY WORKING GROUP FOR TRAVEL FROM JULY 1, TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Terri Glaze:									
United States	Dollar				4,137.43				4,137.43
Switzerland	Franc		724.00						724.00
Mitch Kugler:									
United States	Dollar				4,137.43				4,137.43
Switzerland	Franc		724.00						724.00
Dennis Ward:									
United States	Dollar				4,137.43				4,137.43
Switzerland	Franc		724.00						724.00
John Rood:									
United States	Dollar				4,137.43				4,137.43
Switzerland	Franc		724.00						724.00
Total			2,896.00		16,549.72				19,445.72

TRENT LOTT,
Majority Leader, October 20, 2000.
TOM DASCHLE,
Democratic Leader, October 20, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY MAJORITY LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Chris Williams:									
United States	Dollar				4,337.80				4,337.80
Israel	Dollar		2,804.00						2,804.00
Jordan	Dollar		696.00						696.00
Total			3,500.00		4,337.80				7,837.80

TRENT LOTT,
Majority Leader, October 19, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY DEMOCRATIC LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Kerry:									
Spain	Peseta		200.00						200.00
Morocco	Dirham		477.00						477.00
Senegal	Dollar		100.00						100.00
Mali	Dollar		100.00						100.00
Ghana	Dollar		200.00						200.00
Congo	Dollar		300.00						300.00
Angola	Dollar		100.00						100.00
Zambia	Dollar		200.00						200.00
South Africa	Dollar		400.00						400.00
Uganda	Dollar		300.00						300.00
Tunisia	Dollar		100.00						100.00
Algeria	Dinar		200.00						200.00
Portugal	Escudo		200.00						200.00
Todd Stubbendieck:									
Spain	Pesetas		200.00						200.00
Morocco	Dirham		427.00						427.00
Senegal	Dollar		100.00						100.00
Mali	Dollar		100.00						100.00
Ghana	Dollar		200.00						200.00
Congo	Dollar		300.00						300.00
Angola	Dollar		100.00						100.00
Zambia	Dollar		200.00						200.00
South Africa	Dollar		400.00						400.00
Uganda	Dollar		300.00						300.00
Tunisia	Dinar		100.00						100.00
Algeria	Dinar		200.00						200.00
Portugal	Escudo		200.00						200.00
Total			5,704.00						5,704.00

TOM DASCHLE,
Democratic Leader, October 18, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY MAJORITY LEADER, TRAVEL FROM JULY 4 TO JULY 10, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator George Voinovich: [1]									
Romania	Leu		1,279.40						1,279.40

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY MAJORITY LEADER, TRAVEL FROM JULY 4 TO JULY 10, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Croatia	Dollar		136.32						136.32
Wayne Palmer: [1]									
Romania	Leu		1,270.00						1,270.00
Croatia	Dollar		136.32						136.32
Total			2,822.04						2,822.04

[1] Senator Voinovich and Mr. Palmer were members of the joint Senate/House delegation that traveled to Bucharest, Romania, July 4–10, 2000, for the Organization of Security and Cooperation in Europe. Please see House Speaker's Consolidated Report for the Helsinki Commission for information on delegation expenses.

TRENT LOTT,
Majority Leader, Oct. 24, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY DEMOCRATIC LEADER FOR TRAVEL FROM JULY 4 TO JULY 10, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mary Landrieu: [1]									
Romania	Leu		322.87						332.87
Kathleen Strottman:									
Romania	Leu		792.27		2,664.18				3,456.45
Total			1,125.14		2,664.18				3,789.32

[1] Senator Landrieu was a member of the joint Senate/House delegation that traveled to Bucharest, Romania, July 4–10, 2000, for the Organization of Security and Cooperation in Europe. Please see the House Speaker's report for the Helsinki Commission for information on delegation expenses.

TOM DASCHLE,
Democratic Leader, Oct. 23, 2000.

CODEL DASCHLE—AMENDED REPORT TO 1ST QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL FROM JAN. 6 TO JAN. 17, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Daschle:									
Italy	Lire		236.00						236.00
Bahrain	Dinar		285.00						285.00
India	Rupee		872.00						872.00
Nepal	Rupee		236.00						236.00
Pakistan	Rupee		412.00						412.00
Egypt	Pound		327.00						327.00
	Dollar				2,666.12				2,666.12
Senator Christopher Dodd:									
Italy	Lire		236.00						236.00
Bahrain	Dinar		285.00						285.00
India	Rupee		872.00						872.00
Nepal	Rupee		236.00						236.00
Pakistan	Rupee		412.00						412.00
Egypt	Pound		327.00						327.00
	Dollar				2,607.10				2,607.10
Senator Harry Reid:									
Italy	Lire		236.00						236.00
Bahrain	Dinar		285.00						285.00
India	Rupee		872.00						872.00
Nepal	Rupee		236.00						236.00
Pakistan	Rupee		412.00						412.00
Egypt	Pound		327.00						327.00
	Dollar				2,661.12				2,661.12
Senator Daniel Akaka:									
Italy	Lire		236.00						236.00
Bahrain	Dinar		285.00						285.00
India	Rupee		872.00						872.00
Nepal	Rupee		236.00						236.00
Pakistan	Rupee		412.00						412.00
Egypt	Pound		327.00						327.00
	Dollar				2,666.12				2,666.12
Randy DeValk:									
Italy	Lire		213.00						213.00
Bahrain	Dinar		223.00						223.00
India	Rupee		802.00						802.00
Nepal	Rupee		176.00						176.00
Pakistan	Rupee		311.00						311.00
Egypt	Pound		273.00						273.00
	Dollar				1,857.24				1,857.24
Ranit Schmelzer:									
Italy	Lire		213.00						213.00
Bahrain	Dinar		234.00						234.00
India	Rupee		802.00						802.00
Nepal	Rupee		176.00						176.00
Pakistan	Rupee		311.00						311.00
Egypt	Pound		273.00						273.00
	Dollar				1,857.24				1,857.24
Sally Walsh:									
Italy	Lire		236.00						236.00
Bahrain	Dinar		285.00						285.00
India	Rupee		772.00						772.00
Nepal	Rupee		236.00						236.00
Pakistan	Rupee		312.00						312.00

CODEL DASCHLE—AMENDED REPORT TO 1ST QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL FROM JAN. 6 TO JAN. 17, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Egypt	Pound		327.00						327.00
	Dollar				1,857.24				1,857.24
Delegation Expenses: [1]									
Italy							1,329.58		1,329.58
Bahrain							1,301.90		1,301.90
India							8,697.64		8.697.64
Nepal							2,395.83		2,395.83
Pakistan							4,073.62		4,073.62
Egypt							1,552.28		1,552.28
Total			15,647.00		16,172.18		19,350.85		51,170.03

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, Oct. 26, 2000.

ORDERS FOR WEDNESDAY, DECEMBER 6, 2000

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10 a.m. on Wednesday, December 6. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator HAGEL, 10 to 10:30 a.m.; Senator DURBIN or his designee, 10:30 to 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ALLARD. For the information of all Senators, the Senate will be in a period of morning business for 1 hour starting at 10 a.m. Following morning business, the Senate will resume postcloture debate on the conference report to accompany the bankruptcy legislation. Under the previous agreement, a vote on final passage of the conference report will occur at 4 p.m. on Thursday.

I ask unanimous consent that following the 4 p.m. vote on Thursday, Senator ABRAHAM be recognized for up to 30 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Negotiations are continuing on the remaining appropriations bills. It is hoped that all contentious issues can be resolved as early as the close of business this week. Therefore, Senators should be prepared for votes throughout the week.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ALLARD. Mr. President, in executive session, I ask unanimous consent that the following nominations be discharged from the Foreign Relations Committee and, further, the Senate proceed en bloc to their consideration: Jay T. Snyder and Larry Carp. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Jay T. Snyder, of New York, to be a Representative of the United States of America to the Fifty-fifth session of the General Assembly of the United Nations.

Larry Carp, of Missouri, to be an Alternate Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 95–114, as amended, announces the appointment of the following individuals to the Congressional Award Board: Galen J. Reser, of Connecticut, and Rex B. Wackerle, of Virginia.

The Chair, on behalf of the Democratic leader, pursuant to Public Law 105–341, announces the appointment of the following individual to the Women's Progress Commemoration Commission: Ann F. Lewis, of Maryland, vice Joan Doran Hedrick, of Connecticut.

Mr. REID. Mr. President, if the Senator will yield, based upon what has been outlined by the acting majority leader, it is very unlikely there will be any votes tomorrow. Will the Senator agree?

Mr. ALLARD. We don't expect votes, but we simply can't rule them out.

Mr. REID. I thank the Senator.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ALLARD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:01 p.m., recessed until Wednesday, December 6, 2000, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 5, 2000:

DEPARTMENT OF STATE

LARRY CARP, OF MISSOURI, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JAY T. SNYDER, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EXTENSIONS OF REMARKS

IN HONOR OF DR. PATRICIA L. McGEEHAN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Dr. Patricia L. McGeehan for her exceptional contributions to the education of New Jersey's children. For 30 years, she has provided for their educational needs as a teacher, principal, and superintendent.

Dr. McGeehan received her Bachelor's Degree in Economics from the College of Saint Elizabeth, and her Master's Degree in Elementary Education from Seton Hall University, where, in 1997, she went on to complete her Doctorate in Education/Administration.

As Principal of the Midtown Community School from 1992 to 2000, Dr. McGeehan helped develop the school's curriculum, and provided meaningful guidance and support to enhance every student's educational experience. In 1995, she developed the Stevens Institute Partnership to provide students with the technological skills required to succeed in the new economy.

For her dedication, vision, and hard work, Dr. McGeehan has received numerous awards, including the New Jersey Star School Award, the National Blue Ribbon Award, the National Elementary School Principals Honor Council Excellence Award, and the New Jersey Principals' Harvard Project Case Writing Award.

Dr. McGeehan's commitment to community does not stop at the end of the school day. She generously serves on the Board of Trustees for the Bayonne Hospital, the St. Barnabas Burn Center, and the Simpson-Baber Foundation for the Autistic. In her spare time, she participates in Ireland 32's, the Friends of the Bayonne Community Orchestra, and the activities of the Holy Family Academy.

Today, I ask my colleagues to join me in honoring Dr. Patricia L. McGeehan for her hard work and dedication on behalf of our community, and for her extraordinary contributions in the field of education.

A TRIBUTE TO LEEROY CLARK

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. BARCIA. Mr. Speaker, I rise today to ask my colleagues to join me in praising the work and life of Tuscola County Human Development Commission Chairman LeeRoy Clark upon the occasion of the dedication of the LeeRoy Clark Center to serve the everyday needs of senior citizens.

For more than 35 years, LeeRoy has quietly applied his keen intellect and loving heart to improving the lives of friends, neighbors and strangers, while simultaneously overcoming the intolerance of less-enlightened minds. The breadth of LeeRoy's involvement and influence on his community cannot be underestimated or overvalued. In fact, a simple list of the many civic, educational and labor organizations that have benefitted from his leadership would take up several newspaper columns. No work log or time sheet is large enough to reflect his humanitarian commitment.

His work on the Human Development Commission and the community action movement has spanned four decades, beginning in 1965. LeeRoy has served as Commission Chairman for 31 of those years. He is also a board member of the Michigan Community Action Agency Association and is in the 40th year as an elected member of his township board.

Those who know LeeRoy have long praised him for his quiet and thoughtful lead-by-example approach. His efforts have immeasurably enhanced many lives by feeding the hungry, sheltering the homeless, finding work for the jobless at a fair and just wage, easing the burden of the impaired and leveling the playing field for minorities and the disadvantaged.

Although LeeRoy, who resides in Millington, Michigan, has received many accolades for his volunteer work, he has never sought such recognition. His wife, Billie, says he prefers "the appreciation that someone shows him by a handshake, a smile, sending a note or taking the time to say thank-you."

I hope my colleagues will join me today in publicly honoring LeeRoy Clark with the official gratitude of the United States House of Representatives for a lifetime of compassionate endeavors that have earned the handshakes and appreciative smiles of an entire community.

IN HONOR OF JEFF HORTON

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. BECERRA. Mr. Speaker, it is with utmost pleasure and privilege that I rise today to recognize Mr. Jeff Horton, a leader in educational reform and an outstanding educator from Los Angeles, California. His efforts on behalf of the children of Los Angeles and the State of California will be remembered and appreciated for generations to come.

A native of California and graduate of La Habra High School, Mr. Horton's commitment to education began over 30 years ago. After receiving his bachelor's degree from Yale University in 1970, Mr. Horton embarked on his journey as an educator by teaching English in Florence, Italy. He went on to teach English, Speech, and Reading at Crenshaw High School in Los Angeles from 1975 to 1989. Mr. Horton's dedication to the Los Angeles community has not been limited to the classroom; he has championed efforts to desegregate our schools, establish an independent civilian police review board, and expand adult literacy programs. Eventually, Mr. Horton's drive to improve the quality of education for all children inspired him to run for elected office.

Jeff Horton was first elected to the Los Angeles Unified School District's Board of Education in 1991 and was reelected in 1995. Students in his district hailed from some of the most diverse urban areas of Los Angeles—from Hollywood, Koreatown, Silver Lake and Echo Park to West Hollywood and the San Fernando Valley.

As a board member of the largest school district in California, Mr. Horton served as Chairman of the Board's curriculum standards for six years. He initiated the practice of publicly recognizing schools for academic achievement and attendance. In addition, Mr. Horton was intimately involved in the development of district-wide learning standards for all academic subjects. These learning standards were adopted by the school district in June of 1996 and are currently under consideration by the State of California.

As a passionate advocate for disenfranchised children, Mr. Horton actively fought to protect the special needs of child abuse victims. During his tenure as a board member, he was instrumental in securing funds for the school district's child abuse office. In doing so, Mr. Horton made it possible for children with special needs to always have a place to turn for safe and confidential assistance.

In 1999, Mr. Horton was appointed to the Los Angeles County Board of Education and currently serves as the President of the California School Board's Association. As a board member he has brought with him 30 years of outstanding experience, educational commitment and compassion. Jeff Horton's legacy is one that we should all praise and celebrate. He is a living reminder to us of the powerful changes one person can make in society.

Mr. Speaker, along with family and friends of Jeff Horton who gathered at the Westin Hotel in Long Beach, California on Wednesday, November 29, 2000 to celebrate 30 years of educational commitment and professionalism, it is with great pride that I ask my colleagues to join me today in saluting this exceptional man and good friend.

PNTR HAS PASSED, BUT WHERE IS THE FREEDOM IN CHINA?

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. WOLF. Mr. Speaker, ''Protestant dies in Chinese jail'' was the headline of a recent article in the Washington Times. According to the article, a Chinese protestant man was arrested on September 4 while worshiping at an underground church service then later died after being beaten and denied medical care while in prison. Liu Haitong was his name. He is one person who will never reap the so-called ''rewards'' of the United States giving China permanent normal trade relations (PNTR).

It has been several months now since the House and Senate passed legislation giving PNTR to China and the president signed it into law. During the debate, we heard the arguments that PNTR will bring changes to China, that PNTR would open China, improve human rights, and reduce the national security threat that China poses to the U.S. However, while the signing ceremonies have taken place and the parties celebrating its passage have occurred, people like Liu Haitong continue to be persecuted, imprisoned, and in some cases killed, because of their faith.

Many Members said that they voted in favor of PNTR because they thought it would bring about positive change in China's horrible human rights record, and that giving China PNTR would ultimately increase U.S. national security.

According to the Cardinal Kung Foundation, at least 13 underground Roman Catholic bishops are locked away in Chinese jails, under house arrest, in prison through labor camps, under strict surveillance, or in hiding because of their faith. At least 12 Roman Catholic priests are in prison as are numerous other laity, many of whose whereabouts are unknown. PNTR has passed, but where is freedom for these people of faith?

On the cusp of the vote on PNTR in the Senate on September 14, the Chinese government re-imprisoned Roman Catholic Bishop Zeng Jingmu, Bishop Zeng has spent much of the past 30 years in Chinese prisons and prison labor camps because of his faith. Imagine having to perform forced labor and having to spend most of your life in prison because of your faith.

PNTR has passed, but where is freedom for Bishop Zeng?

Practitioners of Falun Gong continue to be persecuted, beaten, and imprisoned because of their beliefs.

PNTR has passed, but where is freedom for the Falun Gong?

The Chinese government is pillaging Tibet. Thousands of Tibetan Buddhist monks, nuns, and believers are in Chinese prisons because of their faith.

PNTR has passed, but where is freedom for the people of Tibet?

There are hundreds of Protestant House Church leaders in prison and prison through labor camps because of their faith. PNTR has passed, but where is freedom for the Protestants house church?

Thousands of Muslim Uighurs are imprisoned because of their faith.

PNTR has passed, but where is freedom for the Muslim Uighurs?

PNTR has passed, but religious persecution continues unabated in China to this day, over two months after passage.

PNTR has passed, but a November 7 British Broadcasting Company (BBC) report says that the Chinese government is clamping down on the freedom of the Internet by asserting that websites that host chatrooms ''will be held responsible for ensuring that users do not post messages that could be interpreted by the government as 'illegal.' '' The BBC report says that the new rules also require ''websites not run by state media to seek approval from the Information Office of the State Council, or cabinet, before they may publish news'' and that ''to publish news from foreign sources, websites must seek special permission.''

PNTR has passed, but the United States is routinely portrayed as Enemy No. 1 by the Chinese military. According to an article in the November 15 Washington Post, the Chinese military is openly grappling with the likelihood that the United States and China could go to war, quoting Liu Jiangjia, an officer in the People's Liberation Army, as saying ''a new arms race has started to develop * * * war is not far from us now.''

PNTR has passed, but there are numerous reports about China's increased presence and role in Africa. The Chinese National Petroleum Company's multibillion dollar investment and operations in the newly exploited oilfields in Sudan are very troubling. The Khartoum regime has one of the worst human rights record on the planet. And yet, the pumping of oil that is now occurring because of China's help is providing the Sudanese government with unprecedented revenue to conduct what many have described as genocide against the southern Sudanese population.

It is clear to me that mere passage of PNTR is not enough to bring about positive change in China. In fact, in my opinion, PNTR has passed, but there is only business as usual in Beijing. There are many people in China who have not benefited from passage of PNTR and who may never benefit, unless those Members who voted for PNTR speak out on behalf of human rights in China.

With permanent normal trade relations now in place, Congress will no longer annually review trade with China. That makes it even more vital that Members be more vocal and assertive in speaking out about human rights abuses in China, and about the national security concerns that continue to develop regarding Beijing.

Those Members who vocally opposed PNTR must continue to speak out as well. But it is even more important for Members who supported PNTR to speak out as their voice, as a supporter of this legislation, may be more powerful and persuasive with the regime in China. And bringing about change in China is what needs to happen now.

I urge all those Members who voted for PNTR to challenge the regime in Beijing. Speak out because the people who are suffering, who are imprisoned, or who are serving brutal prison through labor sentences need the concerted voice of Congress to bring about real and positive change in China.

IN HONOR OF RAFAEL TORO, THE PUERTO RICAN ASSOCIATION'S MAN OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Rafael Toro on being recognized by the Puerto Rican Association as the Outstanding Community Leader of the Year.

Rafael Toro, whose parents immigrated from Puerto Rico, is a native of New York City. He graduated from Northeastern University with a Bachelor's Degree in Communications and from Cambridge College with a Master's Degree in Education.

Shortly after graduation, Mr. Toro was selected to serve as the Special Assistant to the Mayor of Boston, the Honorable Kevin White, where he led the Mayor's Hispanic Advisory Board in a coordinated effort with local organizations to empower Boston's Hispanic community. For his work with the Advisory Board, Mr. Toro received the Certificate of Excellence for Outstanding Contribution to the Hispanic Community from Governor Michael Dukakis and an award for outstanding achievement from Senator EDWARD KENNEDY.

In 1985, Rafael Toro was hired as the Director of Public Relations for Goya Foods, Inc., the Nation's largest Hispanic-owned company, to oversee public affairs, media relations, community activities, cultural programs, and corporate contributions. In addition, he supervises all Goya-sponsored special events, parades, and festivals. Mr. Toro has been instrumental in implementing several community and cultural activities, including the United Negro College Fund Annual Telethon, a Goya-sponsored, multi-city concert tour, and Goya's sponsorshp of Picasso at the Metropolitan Museum of Art.

In 1993, Mr. Toro was awarded the prestigious Roy Wilkins Humanitarian Award from the NAACP.

Today, I ask that my colleagues join me in honoring Rafael Toro for his contributions to the Hispanic community.

A TRIBUTE TO DON AND MARY AUNE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. BARCIA. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Don and Mary Aune of Oscoda, Michigan, as their fellow citizens prepare to recognize their contributions to the health and welfare of the Aune Medical Center.

Don and Mary have earned the appreciation of all Oscoda area residents by devoting their tremendous talents, time and energy to the redevelopment of health services at the site of the former Paul B. Wurtsmith Air Force Base Hospital. When the closure of the base in June 1993 left a void in medical services in the community for civilians and many retired

military members living nearby, the Aunes worked with dogged determination to ensure that patients' needs would be filled.

At the time, Don was a newly elected member of the Oscoda Township Board of Trustees and was named Vice President of the non-profit corporation created to address the critical medical care shortage faced by the community. Don soon became Chairman of the Board of Directors and has spent the past seven years in that role.

With Mary's enthusiastic support, Don wielded the gavel with his usual firm and steady hand, shaping the cornerstone for a facility that will serve the needs of friends, neighbors and strangers for years to come. They led the effort to quickly turn a fledgling medical facility into a strong and vibrant operation that now provides more than 7,000 patients from the surrounding community with a host of services from family practice and pediatrics to women's health and radiology.

The Aunes worked untold hours to create an outstanding health center to provide a wide variety of services in a local setting, ensuring that many elderly and physically impaired patients will receive needed care without traveling long distances. Don's leadership, coupled with Mary's behind-the-scenes efforts, was the key to opening this long-awaited and greatly needed facility. They deserve our gratitude.

I hope my colleagues will join me today in paying tribute to Don and Mary Aune for their endeavors on behalf of the entire community. The Aune Medical Center stands as a monument to their enterprise and diligence.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. BECERRA. Mr. Speaker, on November 2, 3, 13, and 14, as well as December 4, 2000, I was detained with business in my District, and therefore unable to cast my votes on rollcall numbers 592 through 599. Had I been present for the votes, I would have voted ''yea'' on rollcall votes 592, 593, 594, 597, 598 and 599; and ''nay'' on rollcall votes 595 and 596.

IN RECOGNITION OF BRADLEY W. BEAL, NEWLY ELECTED DIRECTOR ON THE BOARD OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Ms. BERKLEY. Mr. Speaker, today I would like to recognize my friend Brad Beal, the President and CEO of the Nevada Federal Credit Union, headquartered in my district in Las Vegas, for his recent election to the board of the National Association of Federal Credit Unions (NAFCU). Brad has been a leader in the Nevada credit union movement for over 14 years and I am glad to see him receive this national recognition.

For the last decade, Brad has served as the President and CEO of the Nevada Federal Credit Union, which has over $550 million in assets in 17 branches throughout Nevada. In this role, Brad has been a leader for over 250 employees at Nevada FCU, and a leader for the credit union community, both in Nevada and at the national level. During my time in Congress, he has kept me fully informed about the issues of concern to the 77,000 members of Nevada FCU and credit unions everywhere. Brad has always been sure to take the time to meet with me when he is in Washington, D.C. or when I am in the District, to keep me and my staff updated.

His election to the NAFCU board culminates a long career in the credit union industry. NAFCU is the national trade association that represents federal credit unions and ensures that their voice is heard in Washington. I congratulate my friend Brad Beal on his recent election to the NAFCU Board and look forward to continuing to work with him and America's credit unions. I know Brad will be an outstanding voice for credit unions everywhere.

IN HONOR OF BELINDA CUEVAS, WHO IS BEING HONORED AS ''AN OUTSTANDING HUMAN BEING'' BY THE PUERTO RICAN ASSOCIATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Belinda Cuevas of Perth Amboy, New Jersey for being recognized by the Puerto Rican Association for Human Development as ''an outstanding community member'' and ''an outstanding human being.''

Born and raised in Perth Amboy, she has demonstrated a continued commitment to her community through her work with the local school and church. She has served as President of the Parent Teachers Organization at the EJ Patten School, and has served as a catechist and member of the choir at La Asuncion Church for a number of years.

In her devotion to the community, Belinda strives to live up to the inspirational example of her late grandmother Balbina DeJesus Hernandez. The mother of four, Belinda knows the importance of setting a good example for her children, Ava Ivis, Gabriela, Alexander, and Emily Janet. She does her best to teach them the importance of service to the community and love for one's neighbors.

Recently, Belinda performed an extraordinary act of kindness when she donated one of her kidneys to save the life of a fellow Perth Amboy resident, Pedro ''Pete'' A. Roman. When she learned that he suffered from renal failure, she demonstrated remarkable kindness and selflessness by volunteering to be tested as a donor, and eventually donating her kidney. Pete received this gift of life on July 13, 2000 at the Albert Einstein Medical Center in Philadelphia, and both patients have since recovered and returned to work. It is certain that Belinda's exceptional generosity has changed the lives of Pete and his family forever.

For her service to the community of Perth Amboy as well as her unparalleled show of compassion and selflessness, I ask my colleagues to join me in praising Belinda Cuevas as a truly extraordinary member of the community.

A TRIBUTE TO GERRY HERP

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. BARCIA. Mr. Speaker, I rise in this chamber today to honor Gerry Herp on the occasion of his retirement. At the end of the season, Gerry Herp will retire as Head Football Coach of Ubly Community High School in Ubly, Michigan. He is truly one of the greatest contributors to Michigan athletics in the past fifty years and he will be sorely missed.

In a career beginning in 1963 and spanning five decades, this legend of the gridiron consistently pushed his team to excellence both on and off the football field. On the field, Coach Herp led the Ubly Bearcats to an impressive lifetime record of 140 wins, 106 losses and two ties. Under his tutelage, the Bearcats have won nine league championships and garnered two play-off appearances since 1983, a record of success which earned him regional Coach of the Year honors on two occasions.

But beyond the yardage gained, the points scored and the championships won, the true and lasting impact of Coach Herp's commitment to his team and the young people of his community can be measured by the impact he had on the hearts and minds of those he coached. During his career, Gerry not only coached football, baseball and women's softball, he also volunteered much of his time to helping disadvantaged youth involved in the Babe Ruth program, endeavors which endeared him to his community and earned him Ubly's 1999 Friend of Youth honors.

Of course, his many successes could not have been accomplished without the loving support of his wife. Elrae, and their four daughters, Amy, Betsy, Rachel and Jeralyn and stepdaughter, Lori Flippin.

When Gerry Herp officially steps down as Head Football Coach of Ubly Community High School at the end of this season, he deserves a place of honor among those who strive to ensure the physical health and mental well-being of our youth through athletic programs. On this day, Mr. Speaker, I urge my colleagues to join me in congratulating Gerry on his many victories and wish him well as he cheers on the Bearcats from the stands.

H.R. 5621 MEDICAID DISPROPORTIONATE SHARE (DSH)

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. RUSH. Mr. Speaker, on November 1, 2000 I introduced H.R. 5621, the Medicaid Disproportionate Share Hospital (DSH) Fairness Act of 2000. This legislation is identical to a bill which was introduced last month by the senior Senator from Illinois, with the full support of the Administration.

In 1997, Congress enacted the Balanced Budget Act (BBA) of 1997 (P.L. 105–33). The stated intent of the legislation was to slow the rate of growth in the Medicare program Unfortunately, the reductions enacted through the BBA went much deeper than expected. As a result, the net and cumulative effects of the Act have severely reduced Medicare reimbursements to hospitals and health service providers.

I opposed the Balanced Budget Act when it was debated by the House of Representatives in 1997. I believed that it was a bad policy then, and believe that it is a bad policy now.

The BBA reductions have been particularly severe on hospitals in Illinois. In my district, which encompasses the south and west sides of the city of Chicago, there are eleven major hospital facilities which have been devastated by BBA reductions. Multiply the losses across the state, and the impact on services is staggering. In the First Session of the current Congress, I introduced the Health Care Preservation and Accessibility Act of 1999, H.R. 3145, to provide relief to hospitals, community health centers, and skilled nursing facilities harmed by the excessive reductions of the Balanced Budget Act. Although my legislation was not enacted, the intent of many of its provisions were included in the Medicare Balanced Budget Refinement Act of 1999 (P.L. 106–113). That legislation helped relieve some of the financial strain placed on hospitals and health providers. However, while hospitals and health care providers still struggle under the economic pressures imposed the BBA reductions, a new series of proposed reductions threaten financial solvency.

In May of this year, the Health Care Financing Administration (HCFA) issued a notice to state Medicaid directors advising of its intent to revise the Medicaid funding formula known as Intergovernmental Transfers (IGT). This proposed rule would slash an additional $375 million a year in Medicaid funding for Illinois—a state in which the healthcare system is already devastated by the effects of the Balanced Budget Act—and further endanger critical health services for children, senior citizens and the poor.

Both the state of Illinois and Cook County have diligently and constructively used the IGT funding to enhance the health care system, especially for low-income, uninsured and under insured Chicagoans, over the last 10 years. Although under the Health Care Financing Administration's Notice of Proposed Rulemaking, the IGT program changes would be phased-in over a 5 year period, the proposed change would severely cripple the State's ability to provide needed health care services to Illinois citizens.

The legislation, which I have introduced with my colleague in the Senate, is designed to increase the Medicaid Disproportionate Share payments to all states and encourage states to use the DSH program as it was intended—to fund uncompensated health care. By increasing the Medicaid DSH payments, we are acknowledging the burden placed on hospitals that treat a large number of Medicaid and uninsured patients by the Balanced Budget Act and the proposed HCFA regulations.

Enactment of H.R. 5621 would allow Illinois, and all of the states, to continue to make inroads towards ensuring that an extensive safety net of hospitals and health care providers exist to provide care to the most vulnerable groups of society.

I urge my colleagues to join me in support H.R. 5621, and if this Congress fails to act on this legislation, I hope my colleagues will join me in making it a priority in the 107th Congress.

HONORING BERT HAGGERTY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, today I honor the hard work, dedication, and stewardship Bert Haggerty has given Long Islanders, New Yorkers, and Americans as the Small Business Administration's (SBA) Long Island Branch Office Manager.

Bert Haggerty grew up in Woodside, NY, graduated from St. Ann's Academy and earned a bachelor of business administration degree from St. John's University. He first worked for Touche Niven and then Olivetti Corporation where he enjoyed a successful 30-year career.

Afterward, he joined the U.S. Government in 1984 as district director of the Small Business Administration and became Assistant to the Regional Administrator for New York's regional office. In 1994, he was appointed manager of the SBA's Long Island office and under his stewardship has become a driving force in Long Island's economic scene.

Throughout his tenure as manager, he tripled the number of loans to Long Island's small businesses and significantly increased the amount of capital available to nearly $1 billion.

Bert Haggerty will be missed by the Long Island community. I wish him and his family a fruitful and enjoyable retirement.

IN HONOR OF JULES J. BONAVOLONTA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the accomplishments of Jules J. Bonavolonta, this year's recipient of the North Ward Center's Monsignor Geno Baroni Award.

The North Ward Center provides educational, cultural, and social programs to improve the quality of life for thousands of Essex County residents. Each year, the Center pays tribute to the life of the late Monsignor Baroni, a man whose dedication to the less fortunate was an integral force behind the Center's development and success. The Center honors the Monsignor by recognizing a community leader, who best exemplifies the life, spirit, and commitment of this inspirational man.

Mr. Bonavolonta was chosen as the honoree this year based on his service to the country in the military, his contributions to the fight against crime, and his rise to success in the business world.

A native of Newark, New Jersey, Mr. Bonavolonta grew up in the Essex County Parish of Sacred Heart Cathedral. He is the son of Italian immigrant Ralph Bonavolonta and American-born Mary Bonavolonta. He attended St. Benedict's Prep and received his Bachelor's and his Master's Degree in Public Administration from Seton Hall University in 1975. During more than six years of service as a Green Beret in the U.S. Special Forces during the Vietnam War, Mr. Bonavolonta returned to the U.S. a highly decorated veteran. He was awarded the Silver Star, Bronze Star with "V" for Valor (1st Oak Leaf Cluster), Purple Heart, Air Medal (1st Oak Leaf Cluster), and the Vietnamese Cross of Gallantry.

Upon Mr. Bonavolonta's return, he began his 23-year career of exceptional and dedicated service to the Federal Bureau of Investigation. In this capacity, he spearheaded the efforts to combat organized crime in this country. As Chief of the Organized Crime and Narcotics Division of the FBI's New York City Office, he was instrumental in securing the indictments and convictions that made the 1980's the FBI's most successful decade in the battle against organized crime.

Mr. Bonavolonta now serves as Vice Chairman of MBNA America Bank, N.A. He and his wife Linda have been married for 32 years. They have two children, Maria and Joseph.

For his many accomplishments and for his service to the country, I ask that my colleagues join me in congratulating Mr. Bonavolonta, a very deserving recipient of this year's Monsignor Geno Baroni Award.

FAREWELL SALUTE TO WILLIAM "BILL" CLAY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. OWENS. Mr. Speaker, there are no new and original accolades that I can add to the many phrases of praise already accorded our retiring Member, WILLIAM "BILL" CLAY. When he arrived during the age of the afro haircut, BILL CLAY had a chest full of invisible medals from the Movement. He helped to guide the years of maximum Congressional Black Caucus solidarity, the time of CLAY, Dellums, CONYERS, Stokes and RANGEL. Those were the days when CBC Members were wise enough not to scramble single handedly for their committee assignment deals. In unison, the Black

representatives demanded placements for the good of their local and their Black national constituency. Leadership was forced to seat Peacenick Dellums on the Armed Services Committee where the good old boys refused to give the brother a chair at the table to sit down. The radical CLAY and his conspirators went on the propose the first CBC Dinner against the wishes of prominent White liberal allies. Further into the reign of CLAY, the Voting Rights Act became a reality; and still later sanctions were imposed on South Africa. And the proposal for a Martin Luther King Holiday which started as an impossible dream finally concluded as a magnificent monument to the forward movement of race relations in America. At this point, Mr. Speaker, I wish to associate myself with the numerous other tributes that have already been recorded for our former Postal and Civil Service Committee chairman, and the ranking Democrat on Education and the Workforce. Congressman CLAY is one of the last of the CBC original pioneers. It is important to note that with the recent election of William "Lacy" Clay, his son, the Clay genes will fortunately be remaining in Congress. The following Rap Poem is my final salute to the gentleman from Missouri who now we draft into our "Corps of National American Statesmen", WILLIAM "BILL" CLAY.

BILL CLAY: THE ST. LOUIS CHOICE

(By Congressman Major R. Owens)

Now is the time
To lift high every voice,
Join us to celebrate
Achievements of the St. Louis Choice.
Go ahead and loudly sing,
Let fading memories
Rise and sting;
This St. Louis militant
Earned progress
The old fashioned way-
He jumped in the man's face
To save the day.
Pushing straight ahead,
to mad to be afraid,
Nobody forgets
The trouble he made,
Every cent of dues daily he paid,
Republicans regret
That for so long he stayed.
Indiana's Bob McCloskey
Faxed Democrats an urgent note:
Fly Bill Clay to Florida-
Let the Master recount that vote.
Wrong predictions of the past
Said the CBC wouldn't last;
Now forecasters ask
Who'll lead the new struggle,
What's the future all about?
St. Louis responded:
The let another load
of Bill Clay genes out.
Now is the time
To lift every voice,
Join us to celebrate
Achievements of the St. Louis Choice.

COMMENDING THE FREMONT POLICE DEPARTMENT FOR OUTSTANDING PUBLIC SERVICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. STARK. Mr. Speaker, I rise today to commend the Fremont Police Department for receiving the 2000 Community Policing Award for highly populated cities awarded by the International Association of Chiefs of Police and ITT Industries Night Vision.

The Fremont Police Department was one of five winners out of over 100 entries from communities and agencies across the United States and Canada. The city of Fremont and Fremont Police Department have shown a strong commitment to crime prevention that should be used as a shining example for other communities across America. Currently, Fremont has shown its strong commitment to crime prevention by making sure that there are enough police officers to respond to the issues of crime prevention in the city. Fremont has a staffing ratio of one officer per 1,000 residents, much better than the State and national averages. In a nationally published study, Fremont had the 8th lowest population to officer ratios of the Nation's 289 largest police forces. This low ratio has been maintained even though Fremont has experienced a large growth in population.

This low staffing provides the Fremont Police Department the manpower to carry out innovative approaches to law enforcement. For instance, Fremont as part of their increased use of Community Policing techniques has encouraged leadership building in the neighborhoods. This strategy encourages a stronger partnership between the community and the police department in preventing crime.

Again, I want to extend the highest commendation and congratulations to the Fremont Police Department for its outstanding service to its community.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. BOYD. Mr. Speaker, I was unavoidably delayed on rollcall votes 598 and 599. Had I been present, I would have voted "yea" on both 598 and 599.

IN RECOGNITION OF KOSTAS MASTORAS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Kostas Mastoras for his outstanding contributions to the Greek community. The Greek Orthodox community will honor Mr. Mastoras at the 65th Anniversary of Evangelismos Tis Theotokou. The parish has chosen to commemorate the event with a special presentation entitled "Remembering Our Past . . . Looking to Our Future."

Born and raised in Kavala, Mr. Mastoras moved to Thessaloniki with his mother soon after his high school graduation to attend Aristotle University. Before graduating from the Department of Economics, he met fellow student Stavroula Papadopolou, whom he married in 1980. Mr. Mastoras moved to New York to further his education in 1976, earning a Bachelor's Degree from Queens College and an MBA in International Marketing from St. John's University.

As the Director of Marketing for Krinos Foods, Inc., Mr. Mastoras had the opportunity to learn the grocery business and to work closely with the Greek community. In 1982, Mr. and Mrs. Mastoras founded their own company, Titan Food, Inc., dedicated to Greek food and culture. Today, Titan Foods has become the largest Greek food store in the United States, attracting the attention of the national media.

Blessed with three daughters, both Mr. and Mrs. Mastoras are active members of the Greek-American community and the Financial Committee of the Education of Hellenic Societies, and are involved in the PTA of St. Demetrios Schools.

Today, I ask my colleagues to join me in recognizing Kostas Mastoras for his many years of dedicated service to the Greek community.

CENTRAL NEW JERSEY RECOGNIZES LESLIE DAVIS POTTER FOR HER SERVICE TO OUR COMMUNITY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. HOLT. Mr. Speaker, I rise today in recognition of Leslie Davis Potter and her ongoing dedication to serving the growing needs of central New Jersey families. I applaud the achievements she has made working to address the family planning, educational, and outreach needs of our community.

For over 65 years, Planned Parenthood Association of the Mercer Area (PPAMA) has been providing high quality reproductive health care, education and support to women and families throughout Mercer County. Since its modest beginnings in a tiny three-room clinic, PPAMA has evolved into a full-service agency with four centers that provide a comprehensive range of reproductive health services and educational programs to the community.

Leslie Potter has served central New Jersey families as the Executive Director of PPAMA for seventeen years. Throughout her tenure, Leslie Potter has worked to increase access to reproductive health services for low-income women, to ensure the reproductive rights of all women and address the growing needs of Mercer County's Latina population with affordable bilingual/bicultural health care. It was under Leslie Potter's direction that the 65-

year-old chapter became a certified HealthStart prenatal care provider.

Successfully directing such an active health care organization requires great managerial ability, as well as considerable skills to enlist and motivate thousands of volunteers and supporters who make a community-based organization like PPAMA possible. Leslie Potter has shown that ability and skill to an extraordinary degree. She has also shown great political skill as a public speaker for women's health and women's rights.

Before taking the helm at PPAMA Leslie spent five years as the Director of Planning for Central New York Health Systems Agency. It was here that she worked to establish family planning and primary health care centers throughout upstate New York.

Once again, I applaud the efforts of Leslie Davis Potter and ask all my colleagues to join me in recognizing her steadfast commitment to serving our community.

HONORING WALTER F. PAYNE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Walter F. Payne, president and chief executive officer of Blue Diamond Growers, on the occasion of his retirement. A cooperative owned by nearly 4,000 almond growers, Blue Diamond is the world's largest nut-tree marketing and processing company. Under the steadfast leadership of Walt Payne, Blue Diamond processes nearly one-third of the world's crop of almonds, making that commodity California's largest food export. I ask my colleagues to join with me today in honoring the dedicated service of Walt Payne.

Mr. Payne joined Blue Diamond in 1973 as the director of marketing and planning. In 1990, Mr. Payne was appointed chief operating officer and in 1992 became president and chief executive officer. His prior 17 years as a marketing executive provided him with the necessary tools to lead Blue Diamond into a period of unprecedented growth and fundamental change. Under this leadership, the cooperative was transformed into a more efficient and organized business dedicated to cutting unnecessary costs and increasing production and sales. However, it is his inclusive management style, in combination with his desire for open and honest communication that will truly be remembered.

Mr. Payne has worked tirelessly to include the views of management, member growers and plant workers alike to create a more effective business. In an organization that had previously been run from the top down, Walt found it more productive to establish an environment that encouraged the inclusion of employees, at all levels, in the development and implementation of ideas. In fact, it is this inclusive management style that has proved to be an integral component to the unprecedented success of Blue Diamond.

When Walter Payne was named CEO, he vowed to spend 15 percent of his time in the fields meeting with growers, listening to and addressing their concerns. It was this commitment to open and honest communication that won him national acknowledgment as ''CEO Outstanding Communicator of the Year'' in 1998, awarded by the Cooperative Communicators Association.

Mr. Speaker, it is a great honor for me to pay tribute to my friend, Walt Payne, a truly outstanding member of our community. As CEO, he fostered an atmosphere based on teamwork, open communication and productivity at all levels. As a testament to his success, Payne's first crop as a young marketer at Blue Diamond totaled 145 million pounds. His last crop set a state record at 830 million pounds. I ask all of my colleagues to join with me in celebrating the accomplishments of an extraordinary leader and wish him all the best as he begins a new phase in his life.

HOUSE CONCURRENT RESOLUTION 371

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. SALMON. Mr. Speaker, in September Congress ratified H. Con. Res. 371, which resolves that Congress supports the goals and ideas of National Alcohol and Drug Addiction Recovery Month. Clearly, each Member shares the commitment to keep America's youth drug-free, and return those who have used drugs to a drug-free life. I add these comments in an effort to help achieve this goal.

First, H. Con. Res. 371 states that ''26 million Americans currently suffer the ravages of drug or alcohol addiction.'' This statistic is presumably based on the U.S. Department of Health and Human Services' 1999 National Household Survey on Drug Abuse, which finds that roughly 26 million Americans are heavy drinkers or are casual-to-dependent users of one or more illicit drugs. The report does not state that these individuals are suffering from an addiction. The absence of this distinction could result in misdirected program development and misappropriated funding. Affected are those who direct public and private resources; to counselors and treatment professionals who develop protocols for assistance; to employers who strive to maintain drug-free work environments; to the criminal justice system which must be accountable to the public they serve; and to our Nation's families who rely on accurate information, accurately communicated.

H. Con. Res. 371 also states that adolescents who undergo addiction treatment report less use of marijuana, less heavy drinking, and less criminal involvement. Let us hold ourselves and treatment outcomes to a higher standard. While interim goals can be applauded, the fact that youth who receive treatment continue to use drugs—albeit less often—and continue to be involved in criminal activity—albeit less often—cannot become our Nation's standard for success.

Nelba Chavez, Administrator of the Substance Abuse and Mental Health Services Administration, spoke of the need to provide better focus of the treatment programs that serve young people, when she said that, ''few seek help, and those who do often receive treatment that is inappropriate. Many treatment programs are designed for adults and are ill-equipped to meet the needs of adolescents.''

Although abstinence from illicit drug use is the central goal of all drug abuse treatment, researchers and program staff involved with adult treatment commonly accept reductions in drug use and criminal behavior as realistic goals. Surprisingly, we are now advised by the National Institute on Drug Abuse that ''a good treatment outcome may be a sizable decrease in drug use and long periods of abstinence.''

Our Nation's policy goal regarding drugs is the creation of a drug-free America. Specifically, in the Anti-Drug Abuse Act of 1988, drug abuse is to be curbed by preventing youth from using illegal drugs, reducing the number of users, and decreasing drug availability.

Let us hold this vision of a drug-free America and hold ourselves to this standard. Anything less is a disservice to ourselves, to the adults who currently use drugs and, most certainly, to our most precious resource—America's youth.

IN RECOGNITION OF ANDREAS COMODROMOS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Andreas Comodromos for his outstanding contributions to the Greek community. The Greek Orthodox community will honor Mr. Comodromos at the 65th Anniversary of Evangelismos Tis Theotokou. The parish has chosen to commemorate the event with a special presentation entitled ''Remembering Out Past . . . Looking to Our Future.''

Mr. Comodromos, the former Supreme President of the Cyprus Federation of America, was born on the island of Cypress in 1949, where he was raised by his parents in the Greek Orthodox faith. There, he attended high school and performed his compulsory military service before gaining employment with the Cyprus offices of the American Life Insurance Co.

Mr. Comodromos and his wife, Anna Zachariades, had their first child, Eliza, in 1974, the same year Turkey invaded Cypress. To realize a better life for himself and his wife and son, Mr. Comodromos and his family immigrated to America, where he could pursue a college education. In the United States, they became members of the Evangelismos Tis Theotokou Greek Orthodox community, and in 1978, Mr. Comodromos graduated Magna Cum Laude from St. Peter's College with a Bachelor's Degree in Accounting.

In the following years, Mr. Comodromos celebrated the birth of his second child, Demitrios, while working at the international accounting firm Ernst & Ernst. In 1982, he became a CPA and co-founded the accounting firm of Comodromos Associates with his brother Michael. He is currently the president and managing partner.

In addition to his impressive professional and personal achievements, Mr. Comodromos has served the community through is firm commitment to the cause of justice in Cyprus. He is dedicated to liberating the island from Turkish occupation. He has served on the board of the Cyprus Federation of America, and was elected president for two consecutive terms (1991–1995). Mr. Comodromos has been recognized for his contributions with several awards and honors, including the 1978 Newcomen Society of America Award, election to the National Council of the Order of St. Andrew, the Ellis Island Medal of Honor, and the Offikion Archon Dikaiophylax Award.

Mr. Comodromos currently serves as the President of the US-Cyprus Chamber of Commerce and is a member of the Council of Hellenes Abroad of the North and South American Region. He is a member of the Order of AHEPA, the American Institute of CPAs, and the New Jersey Society of CPAs. Mr. Comodromos is actively involved in various business and political endeavors, and continues his commitment to community service at the local and national level.

Today, I ask my colleagues to join me in recognizing Andreas Comodromos for his many years of dedicated service to the Greek community.

INTRODUCTION OF A BILL ESTABLISHING A COMMISSION FOR COMPREHENSIVE REVIEW OF THE FAA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. WOLF. Mr. Speaker, today I have introduced a bill calling for a tough, comprehensive review of the Federal Aviation Administration to focus on the critical need to improve aviation safety and reduce airline delays.

We should all be concerned about aviation safety. Air travel has increased dramatically in recent years. Today, more than 600 million Americans take to the skies each year—and that figure is expected to triple to 1.8 billion people a year by 2020.

With this dramatic increase we have seen increases in operational errors among air traffic controllers, increases in near mid-air collisions, and increases in runway incursions.

I am particularly concerned about internal meetings of FAA safety staff that have been reported in the press revealing statements made by top FAA safety officials concerning weaknesses in their oversight.

I want to emphasize that there are thousands of hard-working, dedicated employees at the FAA who understand the important safety mission of their agency. We need to give them a stable and efficient organizational structure under which they can perform their mission critical jobs.

Mr. Speaker, operational errors among air traffic controllers are up significantly as controllers try to cope with increasing traffic all bearing down on crowded hub airports. At the same time these errors are up, the FAA has announced a plan to significantly reduce the number of operational supervisors available to assist and monitor that traffic. These errors have risen by 25 percent in the past two years alone.

In addition, runway incursions continue to go up, raising cries of alarm from the National Transportation Safety Board, the Office of Inspector General, and the Congress.

The Inspector General told my Subcommittee seven months ago ''this safety issue is one that demands constant high-level attention,'' so we called for higher budgets, monthly reports and a national summit on the issue. Regrettably, the most recent report shows that runway incursions have not gone down. Instead, they continue to go through the roof.

In addition, FAA has been unable to address the growing problem of airline delays. In the summer of 1999, delays were so high that the FAA announced a special review of its traffic management programs. This review concluded that the agency could do a lot more to provide efficient movement of aircraft around the country, and they promised immediate improvements.

This past summer's delays, however, were just as high as the year before, if not worse.

The American traveling public is getting tired of these horrible delays. Business meetings are canceled, family gatherings are disrupted, commercial deals are passed up when airline commerce does not flow smoothly. I hear my colleagues complain practically every day about the horrible and unacceptable airline delays. For those who fly often, the quality of life is greatly diminished because of this problem.

Mr. Speaker, I served on the House Committee on Public Works and Transportation back in the early 1980s. I still remember FAA Administrator Lynn Helms coming before that committee and testifying about the wondrous improvements in air travel that would come about through modernization of the government's air traffic control system.

Over the next several years, this Congress appropriated billions of dollars for that effort. Yet each year, the General Accounting Office tells us how the FAA continues to fall farther and farther behind in fielding the necessary systems.

First came the termination of the microwave landing system in the late 1980s, then came termination of the advanced automation system a few years later. FAA substituted other navigation and computer programs to take their place.

I wish I could tell my colleagues that these new systems have proceeded well, but many of them have not. FAA continues to experience massive delays in developing satellite navigation and computer systems, even after Congress passed landmark procurement reform legislation to aid the FAA in 1995. Runway incursion radar systems are still not in operational use, even after eight years of development work. The agency simply hasn't been able to bring new technology on line to address these safety concerns.

We already have a number of commissions, contractors, and study groups over the years investigating the ''problem'' at the FAA. These groups have come up with a long list of recommendations, but, unfortunately, most of them focused on how to get the agency more money. Wrestling control of the agency's finances from Congress has been the underlying theme in almost all of these reports, not improving aviation safety.

The commission I propose would take a comprehensive approach, and it would focus on ways to improve aviation safety for the benefit of all Americans.

Specifically, the bill I have introduced would establish a Commission for Comprehensive Review of the FAA. It would look at both air traffic services and safety oversight by the agency, and make recommendations on both the organizational structure and processes of the agency. The recommendations must address FAA's organization within the existing structure of government.

The commission would have 21 members appointed by the President, and would include

Mr. Speaker, with a new administration entering the White House in January, there is a great opportunity to start off with a fresh approach in aviation. It is the perfect time for an unbiased, impartial, and independent commission to present new findings—focusing on aviation safety—to help guide the FAA in the right direction for the future. This would be extremely helpful to the new President and the new Congress as we consider how to make our aviation system more safe and efficient for U.S. citizens and those who visit our wonderful country.

H.R.—

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 ''Commission for Comprehensive Review of the Federal Aviation Administration Act''.

SEC. 2. COMMISSION.

(a) ESTABLISHMENT.—There is to be established a commission to be known as the Commission for Comprehensive Review of the Federal Aviation Administration (referred to in this section as the ''Commission'').

(b) FUNCTIONS.—the functions of the Commission shall be—

(1) to review existing and alternative options for organizational structure of air traffic services, including a government corporation and incentive based fees for services;

(2) to provide recommendations for any necessary changes in structure of the Federal Aviation Administration so that it will be able to support the future growth in the national aviation and airport system; except that the Commission may only recommend changes to the structure and organization of the Federal Aviation Administration that are within the existing structure of the Federal Government;

(3) to review air traffic management system performance and to identify appropriate levels of cost accountability for air traffic management services;

(4) to review aviation safety and make recommendations for the long-term improvement of safety; and

(5) to make additional recommendations that would advance more efficient and effective Federal Aviation Administration for the benefit of the general traveling public and the aviation transportation industry.

(c) MEMBERSHIP.—

(1) APPOINTMENTS.—The Commission shall be composed of 21 members appointed by the President as follows:

(A) 8 individuals with no personal or business financial interest in the airline or aerospace industry to represent the traveling public. Of these, 1 shall be a nationally recognized expert in finance, 1 in corporate management and 1 in human resources management.

(B) 4 individuals from the airline industry. Of these, 1 shall be from a major national air carrier, and 1 from an unaffiliated regional air carrier, 1 from a cargo air carrier.

(C) 3 individuals representing labor and professional associations. Of these, 1 shall be from National Air Traffic Controllers Association;

(D) 2 individuals representing airports and airport authorities. Of these, 1 shall be representative of a large hub airport.

(E) 1 individual representing the aerospace and aircraft manufacturers industries.

(F) 1 individual from the Department of Defense.

(G) 2 individuals from the Department of Transportation. Of these, 1 shall be from the Office of the Secretary of Transportation.

(2) TERMS.—Each member shall be appointed for a term of 18 months.

(d) FIRST MEETING.—The Commission may conduct its first meeting as soon as a majority of the members of the Commission are appointed.

(e) HEARINGS AND CONSULTATION.—

(1) HEARINGS.—The Commission shall take such testimony and solicit and receive such comments from the public and other interested parties as it considers appropriate, shall conduct at least 2 public hearings after affording adequate notice to the public thereof, and may conduct such additional hearings as may be necessary.

(2) CONSULTATION.—The Commission shall consult on a regular and frequent basis with the Secretary of Transportation, the Secretary of Defense, the Committee on Commerce, Science, and Transportation, the Committee on Appropriations and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure, the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives.

(3) FACA NOT TO APPLY.—The Commission shall not be considered an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

(f) ACCESS TO DOCUMENTS AND STAFF.—The Federal Aviation Administration may give the Commission appropriate access to relevant documents and personnel and shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Commission who receives commercial or other proprietary data from the Federal Aviation Administration shall be subject to the provisions of section 1905 of title 18, United States Code, pertaining to unauthorized disclosure of such information.

(g) TRAVEL AND PER DIEM.—Each member of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from such member's usual place of residence, in accordance with section 5703 of title 5, United States Code.

(h) DETAIL OF PERSONNEL FROM THE FEDERAL AVIATION ADMINISTRATION.—The Administrator of the Federal Aviation Administration shall make available to the Commission such staff, administrative services, and other personnel assistance as may reasonably be required to enable the Commission to carry out its responsibilities under this section.

SEC. 3. REPORT OF THE COMMISSION.

(a) REPORT TO CONGRESS.—Not later than 30 days after receiving the final report of the Commission and in no event more than 1 year after the date of the enactment of this Act, the Secretary of Transportation, after consulting the Secretary of Defense, shall transmit a report to the Committees on Commerce, Science, and Transportation, Appropriations, and Finance of the Senate and the Committees on Transportation and Infrastructure, Appropriations, and Ways and Means of the House of Representatives.

(b) CONTENTS.—The Secretary shall include in the report to Congress under subsection (a) a final report of findings and recommendations of the Commission under section 2(b), including any necessary changes to current law to carry out these recommendations in the form of proposed legislation.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

A TRIBUTE TO KIM CHI TRIEU

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Ms. LOFGREN. Mr. Speaker, I rise to recognize the achievements of Kim Chi Trieu, Program Manager for the Social Services Agency of Santa Clara County. Ms. Trieu is retiring after 16 years of dedicated service to the people of Santa Clara County.

Kim Chi Trieu arrived in the United States in 1983 as a Vietnamese refugee with two of her young children and $5 in her pocket. Within two weeks, she had found work at Catholic Charities as a job developer. In 1984, Ms. Trieu began her work with the Social Services Agency as a worker with the Targeted Assistance Unit. She helped to establish and put into operation the Central Intake Unit, which was the gateway for newly arrived refugees.

Kim Chi Trieu was promoted to Supervisor of the Refugee Unit in 1985. Her tireless work on behalf of the refugee community earned her the admiration and gratitude of Santa Clara County's many refugee populations: Vietnamese, Hmong, Mien, Cambodian and later, Ethiopian, Somali, Polish, Russian, Bosnian, Serbian, Iranian, and Afghan. In a short time, Ms. Trieu was asked to assume responsibility for the Santa Clara County Greater Avenues for Independence (GAIN) Planning Unit.

With her belief in community partnership, Kim Chi Trieu invited participation from impacted communities in the ever-changing Refugee Services Delivery System. Universally respected as a tactful mediator, she was skilled at working cooperatively with other social service programs and government agencies to ensure all her clients received the benefits to which they were entitled.

In 1996, Kim Chi Trieu expanded her role to assist in the development of the county's Temporary Aid to Needy Families (TANF) program, which has been cited by the Urban Institute as one of the top 10 performing programs in the Nation.

Kim Chi Trieu has been a role model and a leader in her community and in county government. She has been the anchor to freedom for her family, working two jobs to help resettle two dozen family members including her parents. She has not only lived the American dream herself—she has provided countless refugee families with the opportunity to achieve that dream.

I wish to thank Kim Chi Trieu for her compassionate and dedicated service to the County and wish her the best in her future endeavors. Her integrity, compassion, and strength will be sorely missed, but our lives are the richer for having known her.

AN AFFIDAVIT BY MICHAEL TERLECKY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. TRAFICANT. Mr. Speaker, today, I am submitting an affidavit by Michael Terlecky of Mahoning County for the RECORD. The affidavit, signed and sworn on the fourth of December, 2000, alleges, Federal Bureau of Investigation knowledge and participation in illegal gambling activities and other mob related activities.

Terlecky, as a Mahoning County Deputy Sheriff, worked exclusively with the Youngstown Police Department Special Investigations Unit (SIU) to raid and eliminate illegal gambling rings in the Mahoning Valley. He was removed from active duty in 1988 because of a physical disability.

The affidavit alleges gross misconduct on the part of FBI agents Robert Kroner and Larry Lynch. He points to the pressure that was placed upon any law enforcement officer who challenged the illegal activities of James Prato and Joey Naples. Prato and Naples, both local Mafia bosses, ran illegal gambling operations in Youngstown. Rival factions were hit hard by raids while the Prato/Naples operations were left alone. Terlecky alleges Agents Kroner and Lynch attempted to control his gambling raids so that there would be no interference with the Prato/Naples operations.

As the affidavit illustrates, Terlecky was manipulated and neutralized by the local FBI agents' efforts to protect the FBI's participation in illegal activities. Michael Terlecky was dangerous to the local FBI. He was also an unlucky man for having stumbled upon the connections of the Prato/Naples faction and the FBI. For this, he was later indicted and convicted for taking a bribe from another mob boss. Lenine Strollo.

In that trial, Terlecky's attorney was Stewart Mandel. Mandel was a former U.S. attorney within the Justice Department. Following the trial, Mandel became a business partner of mob boss Lenine Strollo for a company in Conneaut, OH. Think about it. Whose interest was Mandel representing, Michael Terlecky or his business partner and mob boss Lenine Strollo?

In subsequent hearings, Lenine Strollo admitted that he never paid Michael Terlecky

bribe money. Furthermore, Mandel was indicted and convicted of income tax violations associated with Strollo.

It is clear that Michael Terlecky was innocent of the charges against him and that even his attorney had a conflicting interest in helping him. He was thrown to the wolves while the real perpetrators went unpunished. I will continue to investigate the FBI's knowledge of illegal mob related activities, including the activities of Agents Kroner and Lynch. Also, I have submitted a request to the President for a full pardon of Mr. Terlecky's conviction. His name deserves to be exonerated.

The Terlecky affidavit is being submitted today to the CONGRESSIONAL RECORD as supporting documentation for my bill H.R. 4105, "The Fair Justice Act." This bill would create an agency to oversee the U.S. Department of Justice and prosecute those involved in any wrongdoing. Today, when something is amiss in the Justice Department, it investigates itself, much like the fox guarding the henhouse. An independent oversight agency would eliminate the conflict of interest that exists today when wrongdoing occurs in the Justice Department.

STATE OF OHIO, COUNTY OF MAHONING:
AFFIDAVIT OF MICHAEL S. TERLECKY

After having been duly sworn in accordance with law, I, Michael S. Terlecky, hereby depose and say:

SUMMARY

The statements made in this affidavit can be summarized as follows:

During a span of time before March 21, 1998 while I was an active Mahoning County deputy sheriff I obtained actual knowledge that certain Federal Bureau of Investigation agents illegally obtained, controlled, suppressed, manipulated, falsified and tainted evidence. Under the law they abused their authority within the United States Department of Justice when they concealed the illegal activities of organized crime, their motive being, unjust and unlawful enrichment.

These same agents, by means of the abuse of their Federal power, controlled and manipulated local police agencies to do their bidding. That bidding being, the elimination of any illegal competitive opposition for the gangsters with whom they had aligned themselves with.

These same Federal Bureau of Investigation agents, with deliberate indifference, risked the lives of officers of the law while they themselves were breaking the law. These same agents, with deliberate indifference of the trust, allowed me, an officer of the law to be falsely imprisoned so that I could not timely reveal the truth.

1. I am more than eighteen years of age and a resident of Mahoning County, Ohio.

2. I became a Mahoning County, Ohio deputy sheriff in 1977.

3. While I was on active duty as a Mahoning County Deputy Sheriff I exclusively worked with the Youngstown, Ohio Police Department's special investigations unit. One of my main duties was to investigate and arrest people for illegal gambling activity.

4. Because of a physical disability I was taken off active duty as a deputy sheriff on March 21, 1988.

TRAFICANT TAPES

5. During the trial *United States of America* vs. *James A. Traficant, Jr.* That took place during 1983 the United States Assistant Attorney submitted into evidence audio tape recordings. These audio tape recordings contained the voice of James A. Traficant, Jr. and the voices of Charlie and Orlie Carrabbia. These audio tape recordings were submitted into evidence in support of an attempt to have James A. Traficant, Jr. convicted and sent to prison. These audio tape recordings became known as the ''Traficant tapes''.

6. In the immediate above mentioned trial, Federal Bureau of Investigation Special Agent (FBI SA) Robert Kroner gave testimony as a prosecution witness. FBI SA Robert Kroner testified under oath that the ''Traficant tapes'' were found in a bread box in Joe Derose's apartment in Pittsburgh, Pennsylvania. I have personal knowledge that FBI SA Robert Kroner lied about the ''Traficant tapes'' being found in a bread box in Joe Derose's apartment in Pittsburgh, Pennsylvania.

7. The so called ''Traficant tapes'' were found by Mahoning County, Ohio Deputy Sheriff Frank Tomaino and me in Joe Derose's apartment in Canfield, Ohio during a multiple shooting investigation by Frank Tomaino, Joseph Rinko and me.

8. What took place just before the ''Traficant tapes'' were found was as follows: Mahoning County Deputy Sheriffs Joe Rinko, Frank Tomaino and I were present the night just after Joe Derose and a woman were found shot in Joe Derose's apartment in Canfield, Ohio. After we removed weapons from the apartment we wrongly continued to search the apartment. We had plenty of time to get a search warrant. As I was searching the apartment without a search warrant I found a locked closet. I wanted to know what was inside the closet so I used my American Express credit card to ''jimmy'' the lock. After entering the closet I found audio cassette tapes in plastic containers that were labeled Jim Traficant. At the time I did not know the significance of these cassette tapes, nor did I know Jim Traficant. The Federal Bureau of Investigation then took over the case.

9. I believe that the reason why FBI SA Robert Kroner lied about finding the ''Traficant tapes'' in Joe Derose's Pittsburgh, Pennsylvania apartment is because he didn't know who listened to the audio tapes after I found them in the presence of Frank Tomaino. Additionally, the audio tapes were found without obtaining a search warrant. I do not feel that I broke any laws in the way I found the audio tapes. However, I feel that I was ethically wrong. The shootings took place in a parking lot outside Joe Derose's apartment on Indian Run Road, Canfield, Ohio which was video camera recorded from a telephone pole. The video camera was put there by the FBI. The FBI said the video camera was not working because it was struck by lightning. To prove the video camera was not working they presented a repair receipt for the video camera.

ROBERT KRONER'S OBSTRUCTION OF JUSTICE

10. I had a reliable informant for months. He called me on the telephone one night to inform me that someone in Struthers, Mahoning County, Ohio who wanted to pay me a large amount of money if I would not include certain places in my raid on illegal gambling facilities. My informant asked me to meet with him in a donut shop on Youngstown-Poland Road.

11. Because this informant told me months before that he was an informant for FBI SA Robert Kroner, I didn't trust him. Therefore, before I met with this informant I telephoned the Youngstown, Ohio Police Department's special investigations unit (SIU). I spoke with Officer Robin Lees requesting that I be ''wired'' when I met and spoke with this informant at the donut shop. I felt that I could be ''set-up''. Officer Robin Lees agreed to me being ''wired'' and said he would help me.

12. While I met with my informant Officer Robin Lees, another officer named Guzzy and four other officers were parked in a van across the street tape recording everything my informant told me over a 30 to 40 minute period of time. The main topic of what my informant told me was the setting of a meeting with individuals in Struthers, Ohio who wanted to give me money so they could relax on weekends knowing that I wouldn't be around with my gambling raiding team arresting people for illegal gambling. My raiding team had recently raided over 12 establishments. Because Charlie Carabbia was now missing, Joey Naples, along with the Pittsburgh, Pennsylvania organized crime family controlled Struthers, Ohio with only few negotiated exceptions.

13. Immediately after my meeting with my informant Robin Lees gave me the audio tape recording of my informant and my meeting. Because it was late in the day and because I never had a key to the evidence locker at the Mahoning County Sheriff Department the S.I.U. put the audio tape recording in their evidence locker for me so that I could use it as evidence later.

14. Sometime between the night the audio tape recording was placed in the S.I.U. evidence locker and the next day, Robin Lees contacted FBI SA Robert Kroner and informed him about my meeting with my informant, the audio tape recording and the plans of the investigation which included the ''payoff'' meeting in Struthers, Ohio by members of the Pittsburgh, Pennsylvania Mafia family.

15. Shortly after, my informant telephoned me. In an irate tone of voice he told me he was angry with me because I wore a ''wire'' during our conversation at the donut shop. He also informed me that FBI SA Robert Kroner telephoned him to tell him that he had the audio tapes and that if he helped me in any way that he would be indicted.

16. After the above mentioned telephone conversation with my informant I went to the Mahoning County, Ohio Prosecutor's Office and met with Assistant Prosecuting Attorney Bailey. I gave him the facts in support of FBI SA Robert Kroner's obstruction of justice. Assistant Prosecutor Bailey began creating an arrest warrant for me but stopped when I informed him that Robert Kroner was an FBI Agent. Assistant Prosecutor Bailey invited me to present my evidence to a grand jury. I declined because if I received a ''no bill'' my life and the lives of my family would be in danger.

17. I then went to the Youngstown Police Department's Internal Affairs Office where I filed a complaint against Officer Robin Lees because he gave the audio tape recording to FBI SA Robert Kroner, which put my life in danger. Internal Affairs Officer Lewis refused to help me. However, FBI SA Robert Kroner returned the audio tape recording to Officer Robin Lees who in turn attempted to give it back to me. I refused to accept the audio tape recording because of the break in the chain of custody of evidence and because of the potential altering of evidence. Officer Lenny Skelinski got the audio tape recording, along with a copy of a receipt signed by Officer Robin Lees. Officer Lenny Skelinski put the audio tape recording in the Mahoning County Sheriff Department's evidence locker and logged it in as evidence.

FBI SA Robert Kroner wanted me neutralized.

18. I then contacted the Office of Professional Responsibility in Washington, DC, and informed them of FBI SA Robert Kroner's illegal actions, those being the obstruction of justice.

19. Based on my personal experience, the hereinabove written and information given to me by Youngstown, Ohio Police Department's SIU Officer Joe Krupa, who was a senior member of the SIU, who I trusted that the Youngstown Police Department did not conduct gambling raids or sports betting raids, I concluded that FBI SA Robert Kroner and FBI SA Larry Lynch, through the Youngstown Police Department, other sources and its special investigations unit attempted to control my gambling raids so that I could only arrest the opposition for who the FBI had allied with their ally being Joey Naples. SIU officer Joe Krupa, in my opinion, was an honest police officer who went ''by the book'' which compelled me to help him.

20. I assert that FBI SA Robert Kroner telephone conversation with my informant during which he informed by informant that I was wearing a ''wire'' at the donut shop could have gotten me killed. I further assert that FBI SA Robert Kroner abused his Federal power to serve his personal interest. On or about March 21, 1988, close to midnight, I was shot at, at point blank range by a person with a 12-gauge shotgun while I was in my unmarked official vehicle. The shot barely missed me. The headrest directly to the right of my head was severely damaged from the shotgun blast. After this incident I was diagnosed as having chronic stress disorder. I was not permitted to return to work. One month later I was indicted for violation of Federal Rico statutes. The person who shot at me with a 12-gauge shotgun was never identified or found. I realized at this point that I was ''over my head'' with no one to help me. I could not seek help from the FBI because certain FBI agents could not be trusted. I do not have total mistrust of the FBI. I only mistrust certain local FBI special agents who I believe are under the control of organized crime.

THE LOUNGE INCIDENT

21. During the 1980's a restaurant known as the Gatsby Lounge in Austintown, Mahoning County, Ohio was frequented by a higher class of drug dealers. A person who went to the Gatsby Lounge fell under my narcotics surveillance. This person talked to Chief Frank Carbon who in turn talked to me. Chief Frank Carbon informed me that the person who I had under surveillance at the Gatsby Lounge wanted to pay me 2,000 per month to ''back off'' his establishment (a Lebanese restaurant and known drug house in Austintown Township which I closed down one week earlier). If $2,000 was not enough I was to let him know. I suspected that the person who I first saw at the Gatsby Lounge was dealing drugs because of the amount of the attempted ''payoff'' and surveillance of this person being seen with known drug dealers.

22. Having been informed of the attempted ''pay off'' I informed Mahoning County, Ohio Sheriff Nemeth of the attempted ''payoff'' who told me to give the information to the FBI. I had reservations about giving the information to the FBI. After some delay I gave the information about the attempted ''payoff'' to FBI SA's Friedman and Plunkett. Both agents told me not to do anything because they already had an FBI agent from the Pittsburgh, Pennsylvania office working undercover at the Lebanese drug house. I didn't believe what FBI SA's Friedman and Plunkett told me because FBI agents do not tell other FBI agents what operations they are working on. Therefore, the immediate question in my mind was. Why would they tell me about a current operation? I wanted away from these FBI agents without them knowing I wanted away from them.

23. During the same conversation with FBI SA's Friedman and Plunkett, Plunkett again lied to me when he told me that he did not know an informant by the name of Bobby Armstrong I knew he knew about Bobby Armstrong because of a conversation I had with him five (5) years ago about Bobby Armstrong. I then asked myself what am I doing with these people? Something is wrong here!

FBI CONTROLLED SIU

24. SIU Officer Joe Krupa secretly asked me to submit for approval of a search warrant to be served on the Diamond Tavern in Campbell, Mahoning County, Ohio which at the time was the illegal numbers hub for the whole organization. I received approval for the search warrant. I personally invited Special Agent Don Harris of the Internal Revenue Service to accompany us on this raid. I did this to Protect Officer Krupa and me from future retaliation because this was a Joey Naples' stronghold.

25. I took Internal Revenue Agent Don Harris with me to the Diamond Tavern along with approximately 15 officers from Youngstown Police Department's SIU and Mahoning County Sheriff's Department, Lowendowsky who used a camera to film the serving of the search warrant and any arrests. FBI SA Robert Kroner later told me that the only reason I ''hit'' the place was to increase my monthly ''package.'' Robert Kroner should have known better than to make an allegation like that because if I was going to put pressure on a place like the Diamond Tavern why would I bring an IRS agent with me? How could I possibly fix something where the IRS was included? Indirectly, I found that FBI SA Robert Kroner knew this was a Joey Naples operation and was upset with me for raiding the Diamond Tavern.

26. Youngstown Police Department Officer Joe Krupa, a member of the SIU informed me that SIU was working with FBI SA Robert Kroner and FBI SA Larry Lynch. SIU officer gave me the illegal gambling targets to raid. It was quite apparent that the targets I was given by SIU to raid where limited to people and establishments involved in illegal numbers gaming and small football pools. The SIU did not raid illegal sport betting operations nor did they ask for my assistance in raiding large illegal sport betting operations. The main target of the Youngstown Police Department SIU and FBI was the illegal numbers operation of Michael ''Syrak'' Serrecchio, a one time Joey Naples rival. I continued to arrest people for sports betting. What appeared strange was the Youngstown Police Department's SIU would be involved in every raid except the raids conducted in their own city. FBI SA Robert Kroner controlled and suppressed information, manipulated both the SIU and me to conduct only certain gambling arrest raids, none of which were directed at Joey Naples' illegal gambling enterprise. At the time it was common knowledge that Lenny Strollo and Joey Naples were growing apart because Lenny Strollo was against narcotics while Joey Naples was involved in narcotics. It should also be noted that at this time Randall Wellington was also chief of police of Youngtown, Ohio, and a personal friend of FBI SA Robert Kroner.

INDICTED & CONVICTED

27. I was indicted and convicted for taking a bribe from Lenny Strollo. I never took a bribe from Lenny Strollo or anyone else. This fact was revealed during a subsequent and related plea bargain hearing in which Lenny Strollo under oath testified that he never paid me a bribe. I also learned after my conviction that my attorney Stewart Mandel was associated with Lenny Strollo. My attorney, Stewart Mandel, might have acted for the benefit of others to help them so that I could not timely reveal the hereinabove written, the truth. Stewart Mandel was later indicted and convicted of income tax violations in connection with Lenny Strollo. I still believe Stewart Mandel is a good attorney who I consider a friend.

28. James A. Traficant, Jr., and I were never political allies. However, I have always respected him, therefore, I give my permission to him to use this affidavit in any way that he deems appropriate.

SPINDLETOP OIL FIELD AND LUCAS GUSHER

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. LAMPSON. Mr. Speaker, today I rise to recognize the Texas State Spindletop 2001 Commission's celebration of the Centennial of the discovery of the Spindletop Oil Field and the Lucas Gusher. On January 10, 2001, at 10:32 am, a permanent reproduction of the Lucas Gusher will blow, and the excitement of that moment will be reenacted.

The Lucas Gusher, located just south of Beaumont, Texas, marked the beginning of the Petroleum Age. On January 10, 1901, a team of investors and drillers led by Captain Anthony F. Lucas discovered the greatest oil well ever seen. The area upon which the gusher was discovered, Spindletop Hill, was to produce more oil per day than the annual production of oil in the entire United States.

The discovery of oil at Spindletop drastically changed the country's economy. Within days thousands of speculators, sightseers and fortune seekers swarmed into the small town as news of the discovery spread. By 1902, hundreds of active wells were operating. The vast quantities of oil found at Spindletop first made possible the use of oil as an inexpensive, lightweight and efficient fuel to propel the world into the twentieth century.

On January 10, 2001, I will be present at the Spindletop celebration, and be presenting a copy of this CONGRESSIONAL RECORD statement. Celebrating and honoring the beginning of a new age for the world is altogether fitting and appropriate and deserves the House of Representative's recognition.

COMMENDING THE AMERICAN TRUCKING ASSOCIATIONS AND ITS CONTRIBUTION TO THE TOYS FOR TOTS FOUNDATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend the American Trucking Associations for demonstrating that ''someone cares'' about the Children of San Diego, California.

The American Trucking Associations urged all individuals who recently attended their Management Conference and Exhibition in San Diego, California to bring a toy. At the end of the conference, 700 toys were collected and donated to the U.S. Marine Corps Reserve Toys for Tots Foundation. Encouraged by their initial success, the American Trucking Associations have extended the toy drive via their website. In fact, donors can now contribute to a toy on-line.

The toys will be distributed to needy children in the San Diego area through the U.S. Marine Corps Reserve Toys for Tots Foundation. Since 1947, the U.S. Marine Corps Reserves have ensured a gift under the Christmas tree of children who might otherwise experience the holiday without receiving any toys. Over the past 53 years, the Foundation has grown and is now active in all 50 states. Last year alone, they collected and distributed 13,700,000 toys.

America's truckers will most likely deliver the vast majority of Christmas toys to stores around the country. However, this delivery is truly special, as it demonstrates the positive synergy that is achieved when private industry partners with charitable organizations to improve the community.

Mr. Speaker, the American Trucking Associations asked their members to ''send a loving message that someone cares'' to the children of the conference host city. Their members responded overwhelmingly, thus deserving the praise and accolades of this 106th Congress for their decision to leave the children of San Diego with a special memory.

IN HONOR OF FRED HASSAN, RECIPIENT OF THE 2000 GLOBAL CITIZEN AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Fred Hassan, the recipient of the 2000 Global Citizen Award from the School of Diplomacy and International Relations at Seton Hall University.

Fred Hassan is currently the President and Chief Executive Officer of Pharmacia Corporation, a pharmaceutical company created by the merger of Pharmacia & Upjohn and the Monsanto Company.

Mr. Hassan, a native of Pakistan, received his Bachelor's Degree in chemical Engineering from the Imperial College of Science and Technology at the University of London in 1967 and his Master's of Business Administration from Harvard Business School in 1972.

At Pharmacia, Mr. Hassan and his management team have established a global organization dedicated to improving health and wellness around the world. Under Mr. Hassan's leadership, Pharmacia collaborates with government, academia, and the private sector to address global challenges in the fields of health care, science, and nutrition. To meet these challenges, Pharmacia, the United Nations Population Fund, and The world Bank created the ''Save the Mother's Fund'', a program that works to improve obstetric care in order to reduce maternal mortality rates in childbirth. In addition, Pharmacia has partnered with the World Health Organization's European Project on Tobacco Dependence to reduce tobacco-related death and disease among cigarette smokers in Europe.

Mr. Hassan has set an excellent example for other business leaders around the world; to be successful in the business world, while also helping to improve the lives of our fellow global citizens.

Today, I ask my colleagues to join me in honoring Fred Hassan and Pharmacia for their outstanding commitment and contributions to global health and development.